

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. ) 3:17-CR-00169-B  
 )  
SAID AZZAM MOHAMAD RAHIM, )  
 )  
Defendant. )

TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL - VOLUME 4  
BEFORE THE HONORABLE JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE  
MAY 3, 2019

A P P E A R A N C E S

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JURY TRIAL - VOLUME 4

Charge Conference	3
Closing Argument by Ms. Meeks	15
Closing Argument by Mr. Whalen	36
Rebuttal Argument by Ms. Martin	51
Charge Read	60
Jury Question	95
Verdict	96
Reporter's Certificate	101

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1 (In open court; jury not present.)

2 THE COURT: Ms. Meeks, come on up.

3 MS. MEEKS: Thank you, Your Honor.

4 THE COURT: And tell me what page you are  
5 on.

6 MS. MEEKS: Your Honor, the government  
7 would have an objection to page 12.

8 THE COURT: Page 12. Okay.

9 MS. MEEKS: On page 12, on the paragraph  
10 underneath the elements where it describes material  
11 support or resources. The statement that: "Any  
12 service refers to services provided to a foreign  
13 terrorist organization. Independently advocating  
14 for cause is not providing a service to a Foreign  
15 Terrorist Organization."

16 The government objects and argues that  
17 that's not what the HLP case reflects. Specifically  
18 it defines service as an act done for the benefit or  
19 at the command of another, stating simply that a  
20 person of ordinary intelligence would understand it  
21 as different to advocate for a cause than providing  
22 a service.

23 THE COURT: Do you want independently --  
24 that sentence out of there?

25 MS. MEEKS: I'm sorry, Your Honor?

1 THE COURT: Do you want that sentence,  
2 independently organization out of there?

3 MS. MEEKS: Yes, Your Honor. And I would  
4 ask that the definition, as stated by HLP, that a  
5 service is an act done for the benefit or command of  
6 another be included.

7 THE COURT: Where is that from?

8 MS. MEEKS: It's in the Humanitarian Law  
9 Project, Holder v. HLP, Your Honor. It's on page  
10 25 -- I'm sorry, 24. 23 to 24 under Headnote 16,  
11 where it talks about the definition of service.

12 THE COURT: Okay. I'll think about that.  
13 What else?

14 MS. MEEKS: Your Honor, the next --

15 THE COURT: Mr. Whalen, how do you feel  
16 about that?

17 MR. WHALEN: I have no objection to that,  
18 Your Honor.

19 THE COURT: You have no objection to  
20 adding what she's asked to add?

21 MR. WHALEN: No, I have no objection to  
22 what you have already added -- or what you have.

23 THE COURT: Oh, okay. You have no  
24 objection to it, but you do have an objection to her  
25 request.

1 MR. WHALEN: Correct.

2 THE COURT: Okay. Okay. Go ahead.

3 MS. MEEKS: And Your Honor, to page 17 --

4 THE COURT: Hold on a second. Let me get  
5 there. Okay.

6 MS. MEEKS: -- the government has an  
7 objection to the first full paragraph about halfway  
8 through, where it states: "All of you must agree  
9 that the government prove beyond a reasonable doubt  
10 that the defendant conspired to provide material  
11 support or resources by trying to recruit for ISIS  
12 or all of you must agree that the government proved  
13 beyond a reasonable doubt that the defendant  
14 conspired."

15 This excludes administrative services,  
16 which is a legitimate angle of proof here, Your  
17 Honor a legitimate -- and without that, the  
18 government would be missing an entire theory.

19 THE COURT: What is it -- what is it --  
20 how does it say that? Tell me what it would say.

21 MS. MEEKS: By trying to recruit for ISIS  
22 or by providing administrative services for ISIS.

23 THE COURT: And how did that come in in  
24 this case?

25 MS. MEEKS: Your Honor, as a leader in the

1 Zello chat room, State of the Islamic Caliphate,  
2 that chat room was a benefit to ISIS by, you know,  
3 by controlling or gathering ISIS members and giving  
4 directives. As that, he was providing an  
5 administrative service as a moderator and  
6 administrator. That's one of the theories, his  
7 actions, not just his words.

8 THE COURT: Okay. Mr. Whalen, if you  
9 could just speak up from there.

10 MR. WHALEN: Your Honor, I have no  
11 objection to the charge that you have proposed.

12 THE COURT: You would object to her  
13 change.

14 MR. WHALEN: Correct. I would object to a  
15 change.

16 THE COURT: Okay. What else?

17 MS. MEEKS: Your Honor, just one more  
18 comment with regard to page 12, because the  
19 government does feel this is very important.

20 THE COURT: Page 12. Page 12. Going back  
21 to page 12. Okay.

22 MS. MEEKS: With that paragraph, Your  
23 Honor, the government does feel this is important.  
24 The government would not object to that last line,  
25 "any service refers to services provided." However,

1 that it also include the definition of what a  
2 service is under Humanitarian Law Project.

3 THE COURT: So tell me what all you want  
4 added to 12.

5 MS. MEEKS: We would like the language:  
6 "Service is an act done for the benefit or at the  
7 command of another."

8 THE COURT: And where is that from?

9 MS. MEEKS: Again, Your Honor, it's on  
10 page 24 of the HLP case, which is 561 U.S. 1.

11 THE COURT: "Independently advocated for a  
12 crime is not providing a service." You want that  
13 out?

14 MS. MEEKS: We would prefer to have it  
15 out, Your Honor, because I don't think it accurately  
16 represents what the Court was saying there. But if  
17 it's in, the government is -- would very strongly  
18 request the additional services.

19 THE COURT: What else do you want?  
20 Anything else?

21 MS. MEEKS: That's it, Your Honor.

22 THE COURT: All right. What else?  
23 Anything else with the charge?

24 Ms. Meeks, anything else?

25 MS. MEEKS: No, Your Honor, nothing else.

1 THE COURT: Mr. Whalen?

2 MR. WHALEN: Your Honor, the original  
3 thing -- I have some legal objections just to  
4 preserve error that don't affect the language of the  
5 charge. The only issue I do see is there is not any  
6 language about his failure to testify.

7 THE COURT: Oh, yes, let's do that.

8 MR. WHALEN: That is not in there.

9 THE COURT: Yes, let's do that, his  
10 failure to testify.

11 MR. WHALEN: And I think that would be all  
12 I have as it relates to the charge, Your Honor.

13 THE COURT: Okay. But you would object to  
14 the changes that Ms. Meeks has proposed, that she's  
15 proposed on page 12 and page 17.

16 MR. WHALEN: Correct. However, if  
17 Ms. Meeks did say that if you were to add the  
18 definition about services but leave in the  
19 independently advocating for a cause, I may agree to  
20 that compromise.

21 THE COURT: Okay. And the other is on  
22 page -- let's see. What page? 17?

23 MS. MARTIN: Yes, Your Honor.

24 THE COURT: And that is -- yes, by  
25 providing services. Okay. And that's it?



1 MS. MEEKS: From the government, yes, Your  
2 Honor.

3 MR. WHALEN: Yes, Your Honor.

4 And just to point out, I know we are  
5 referring to the page numbers, page 9 is blank.

6 THE COURT: Yes, we know that.

7 MR. WHALEN: Okay. So if we come back, we  
8 may need to adjust the objections to what page we  
9 are talking about.

10 THE COURT: I will have you do your final  
11 objections on the record. We have a juror that's  
12 missing, which is good, because we're not finished  
13 yet. She's had her car towed, but -- it's the lady  
14 right down there on the far end. She will be here  
15 at 10:00, 10:30 at the latest. I think that's fine.  
16 The jury is having to wait, so we might as well have  
17 to wait for her. That's all I know. We will be in  
18 recess.

19 (Recess taken.)

20 THE COURT: Ms. Meeks, you want to talk  
21 about the charge and give final objections?

22 MS. MEEKS: Your Honor, the government has  
23 no objections.

24 THE COURT: Okay. Great.

25 Mr. Whalen, come on up.

1 MR. WHALEN: Your Honor, we would just  
2 make a couple of final objections to the charge.

3 THE COURT: Yeah.

4 MR. WHALEN: As it relates to the  
5 attempted section and the unanimity of theory, the  
6 jury is going to consider all three of establishing  
7 the chat room of recruiting or personnel. Based on  
8 the evidence, I don't think they should be charged  
9 as it relates to the chat room or it recruiting, as  
10 either they did or they didn't. I don't think  
11 there's an attempt there, based on the evidence or  
12 the argument the government is going to make, so I  
13 don't think they should be allowed to consider those  
14 two.

15 Also, as it relates to Counts 1 and 2, I  
16 don't think they should be allowed to consider  
17 establishing the chat room as providing material  
18 support. I don't think the evidence supports that.

19 THE COURT: Okay. Anything else from you,  
20 Ms. Meeks?

21 MS. MEEKS: No, Your Honor.

22 THE COURT: Overruled. And I'm just going  
23 to keep it as it is.

24 What also did you have?

25 MR. WHALEN: Finally, Your Honor, we would

1 object to the charge as a whole and renew our Rule  
2 29 motions as it relates to all the counts, Your  
3 Honor.

4 THE COURT: Okay. Objection overruled.  
5 And we will go ahead and keep the charge as it is.  
6 I will make copies now.

7 And how long do you want to argue?

8 MS. MEEKS: Your Honor, the government  
9 requests 45 minutes total.

10 THE COURT: Okay. Mr. Whalen, how about  
11 you?

12 MR. WHALEN: I would like the same.

13 THE COURT: Okay. 45 minutes.

14 What about your government's opening and  
15 closing?

16 MS. MEEKS: Your Honor, the government  
17 requests 30 for the opening portion and 15 for the  
18 closing.

19 THE COURT: 30 and 10 and 45. What about  
20 warnings?

21 MS. MEEKS: Five minutes and -- so five  
22 minutes on the opening portion. And on the  
23 secondary portion, Your Honor, is it -- we would  
24 request 15 minutes instead of 10.

25 THE COURT: Okay. Let me just see this.

1 You want 30 and 15. And what do you want for  
2 warnings?

3 MS. MEEKS: Five minutes.

4 THE COURT: Five minutes. And is it 30 at  
5 the beginning?

6 MS. MEEKS: Yes, Your Honor.

7 THE COURT: And I will give you a  
8 two-minute.

9 MS. MEEKS: Thank you, Your Honor.

10 THE COURT: Okay. And what kind of  
11 warning do you want, Mr. Whalen?

12 MR. WHALEN: Just a five-minute warning,  
13 Your Honor.

14 THE COURT: All right. We have to make  
15 the copies, and then we will bring the jury in. All  
16 right? Please get ready for opening and closing.  
17 We're going to do that right away. All right?

18 MS. MEEKS: Yes, Your Honor.

19 (Recess taken.)

20 THE COURT: What's your objection to the  
21 verdict form, Mr. Whalen?

22 MR. WHALEN: Your Honor, as it relates to  
23 Counts 1 and 2, since they do have the instruction  
24 about unanimity of theory, that there should be  
25 delineated what theory they relied on to reach their

1 verdict of guilty for Counts 1 and 2. We were  
2 requesting that they have a line or a box for each  
3 of the three different theories and check which one  
4 they agreed on unanimously.

5 THE COURT: Explain what you want.

6 MR. WHALEN: If it says, "Guilty of the  
7 offense as charged," and then, "We further find it  
8 was for recruiting efforts, personnel or  
9 administrative services," and have them check which  
10 one they would like.

11 THE COURT: Do you have any objection to  
12 that?

13 MS. MARTIN: Yes, Your Honor. We believe  
14 the verdict form is appropriate as given.

15 THE COURT: Anything else?

16 MR. WHALEN: No, Your Honor.

17 THE COURT: Thank you. Be ready in a  
18 minute.

19 (Recess taken.)

20 THE COURT: Mr. Whalen, I'm denying your  
21 request on the verdict form. I'm not going to add  
22 the alternatives.

23 Do you-all have the charge and the verdict  
24 form?

25 MR. WHALEN: Yes, we have the charge.

1 THE COURT: Anything else you wanted to  
2 say about the charge?

3 MR. WHALEN: No, Your Honor.

4 THE COURT: Anything else about the  
5 charge?

6 MS. MARTIN: No, Your Honor.

7 THE COURT: Okay. Everybody ready for the  
8 jury?

9 MR. WHALEN: Yes.

10 THE COURT: I'll have you rest and close.  
11 All right?

12 Where is Mr. Sandel? Is he sick?

13 MR. WHALEN: He is sick, Your Honor.

14 THE COURT: I will make sure that both  
15 sides have looked at all the exhibits before they go  
16 back there. Every single one you have to look at.

17 Just a second, David.

18 THE COURT: Okay. Thank you.

19 Bring them in.

20 (Jury enters courtroom.)

21 THE COURT: Good morning, Ladies and  
22 Gentlemen. I apologize for the slight delay that  
23 you had this morning. We were working on the  
24 charge. And so we finished it, and I would like to  
25 continue with the case now.

1           What says the defense.

2           MR. WHALEN: Your Honor, on behalf of  
3 Mr. Rahim, we rest.

4           THE COURT: What says the government?

5           MS. MARTIN: Your Honor, the government  
6 closes.

7           MR. WHALEN: We close, Your Honor.

8           THE COURT: Okay. Now we are at the end  
9 of the trial. I think it went much faster than we  
10 expected, so we're going to have the closing  
11 arguments. They both have 45 minutes to give you  
12 their view of the case. It's not evidence. What  
13 they say is not evidence, but it's a chance for you  
14 to hear their theory of the case as they see it.

15           So we'll start with the government. The  
16 Government has the burden of proof. Then we will  
17 have the defense, and the defense has no burden, and  
18 then we will have a little bit of rebuttal by the  
19 government.

20           So let's go ahead, Government, please.

21           MS. MEEKS: Thank you, Your Honor.

22           (Video clip played in Arabic:)

23           "ISIS will chop your head off, you  
24 disbeliever. ISIS coming to your land. We are  
25 gonna occupy your land, and we are gonna chop your

1 head off, we gonna kill you. We gonna slaughter you  
2 like a sheep."

3 MS. MEEKS: When the defendant said that,  
4 it was not just talk, and it was not a joke. The  
5 defendant was recruiting for ISIS and running an  
6 ISIS platform to support a war effort.

7 We heard that, during the trial, this  
8 region of the Middle East is called the Levant and  
9 that ISIS's goal is to establish a Caliphate in the  
10 Levant, an area of territory that is controlled by  
11 them and ruled by strict Shari'a law. And also the  
12 goal would be to expand, to continue to expand. And  
13 others who are nonbelievers or infidels, as they are  
14 called, would be required to convert, to pay a tax  
15 or to die.

16 In fact, we heard that one of the  
17 coconspirators, Ibn Dawla, who is the Italian in  
18 this case, said that they didn't plan to stop in the  
19 Middle East, they wanted to come all the way to the  
20 White House.

21 The platform, the State of the Islamic  
22 Caliphate, was run on an application called Zello.  
23 It has global reach around the world.

24 We heard from the Zello Chief Technology  
25 Officer, Mr. Gavrilov, who says they have



1 130 million users all around the world and that  
2 every month they have 3 million monthly active  
3 users. It's a huge audience.

4 In the State of the Islamic Caliphate  
5 channel, there were 10,000 users. Six thousand  
6 could be on at any one point in time. Most of those  
7 would be listening. Some of them would be  
8 participating, but most would be listening and  
9 receiving information.

10 There were a range of privacy settings we  
11 heard. And in this case, it's important to note  
12 that this was a public channel. Anyone could get on  
13 and listen. Anyone. It didn't matter where you  
14 were. It didn't matter how old you were. You had  
15 to be a trusted user to participate, and there was  
16 structure to the channel. In fact, we heard that  
17 there was a good deal amount of structure. But in  
18 this case, it was an open channel, and anyone could  
19 be there to hear the message.

20 The defendant had several user names that  
21 he went by on this channel. He went by Dr. sa7wat,  
22 hola isis, safer-alshahadah, all way isis,  
23 angousha@, trip W amojahed, and qoqazi. But no  
24 matter which one he used, the message was always the  
25 same: Recruiting for ISIS and being a leader in

1 this channel that served as a platform to talk to  
2 ISIS and to deliver the ISIS message.

3 We learned a lot about ISIS over the  
4 course of this trial and how it's an unconventional  
5 terrorist organization, how it's become a bit of a  
6 hybrid. It's different than the traditional  
7 Al Qaeda model that we have been familiar with.  
8 It's more accessible. You can have a direct  
9 communication with a leader or you can communicate  
10 with supporters or you can be self-radicalized on  
11 behalf of ISIS. Dr. Vidino, with extensive  
12 experience and education, told us that if you act  
13 for ISIS, you are ISIS. It makes it dangerous,  
14 effective, and accessible.

15 The defendant in the State of the Islamic  
16 chat room is the authority. He never asked  
17 questions, Dr. Vidino told us. In fact, he was  
18 always the one that people would ask questions to.  
19 They called him Sheikh for a reason. He was a  
20 leader. He was a top user. When you look at those  
21 Zello records, you can see two of his user names up  
22 there at the very top because people liked what they  
23 heard from him.

24 He even gave his own fatwas, as Dr. Vidino  
25 told us. And a fatwa, as you will remember, is a

1 religious legal order. And even though the  
2 defendant said over and over again, based on the  
3 message of ISIS and al-'Adnani, no fatwas are  
4 needed, go out and commit these attacks, he still  
5 gave his own. It was a sophisticated channel with  
6 committees that were set up. Anyone, again, who  
7 acted on behalf of ISIS was ISIS. And this,  
8 Dr. Vidino said, this was no keyboard warrior. He's  
9 seen those you heard. This was the real deal.

10 The defendant's actions are consistent  
11 with recruitment for ISIS, and those actions are a  
12 direct benefit to ISIS.

13 Let's talk about the charges in this case.  
14 The defendant is charged in Count One with  
15 conspiracy to provide material support to a foreign  
16 terrorist organization.

17 Now, conspiracy is an agreement between  
18 two or more parties to join together and accomplish  
19 an unlawful purpose. It is a partnership in crime.  
20 So each count -- let's look at this.

21 The first count is that the defendant and  
22 at least one other person agreed to provide material  
23 support or resources, including services or  
24 personnel, to a foreign terrorist organization, in  
25 this case, ISIS.

1           There are a lot -- there will be a lot of  
2 evidence that will be before you, and you will have  
3 the opportunity to review that evidence, including  
4 the transcript binders. So make note of  
5 Government's Exhibits 138, where the defendant and  
6 multiple unknown males in the room were talking  
7 about how everyone in the channel was a mujahedeen  
8 project. Now, mujahedeen, if you remember, is a  
9 fighter, is an Islamic State fighter. As a project,  
10 they are recruits. Multiple people at the same time  
11 on the channel talking about how they are all  
12 recruits.

13           Look at Government's Exhibit 124. That  
14 discusses the committees at length. This was a  
15 structured channel. There were planning sessions.  
16 In fact, they had planned -- they made sessions to  
17 plan how to better execute those committees in that  
18 channel.

19           Look at Government's Exhibit 136, where  
20 someone directly states, "This is the channel to  
21 communicate with ISIS."

22           The second element is that the defendant  
23 knowingly became a member of the conspiracy with the  
24 intent to further its unlawful purpose.

25           While you consider this, remember

1 Government's Exhibit 218, where the defendant says,  
2 "I am an admin in Zello," knowingly making that  
3 statement.

4 And also Government's Exhibit 146. In  
5 that one, several members are talking about how to  
6 push members that they consider to be beneficial to  
7 the channel, encourage them to talk more, get them  
8 to talk more; also to take away stars or trusted  
9 user status from people they did not like or who  
10 were not participating according to the channel.  
11 There was a real structure about becoming a member  
12 of this conspiracy.

13 And the third element is that one of the  
14 conspirators knowingly committed at least one overt  
15 act for the purpose of furthering the conspiracy  
16 charged in Count One of the second superseding  
17 indictment.

18 When you're considering this element, turn  
19 to Government's Exhibit 196. In Government's  
20 Exhibit 196, they are talking about ways in which  
21 you could kill someone. You remember that that was  
22 one of the discussions. Let's get some ideas out  
23 there. Let's talk about these plans. There are a  
24 lot of plans. How can we kill someone?

25 And in 196, the defendant says: "Do you

1 know the -- the big machine that mulches the trees?  
2 Where you put in the tree and it comes out as wood  
3 shavings. The same thing, where they can put in a  
4 French person or an infidel in this machine, and he  
5 comes out a perfect cocktail."

6 They discuss different ways to kill people  
7 over and over and over again. Those instructions on  
8 ideas are the overt act.

9 Additionally, Government's Exhibit 114,  
10 Ibn Dawla is giving bomb making instructions. On  
11 114, he says: "Brother, this is one of the easiest  
12 bombs. It's called a booby trap explosive." And  
13 then he talks about the kind of filament that you  
14 use. This is an overt act.

15 The next element is that the charged  
16 conspiracy existed on or after May 15th, 2014, the  
17 date ISIS was a designated foreign terrorist  
18 organization.

19 You can look at Government's Exhibit 53,  
20 which is the Code of Federal Regulations describing  
21 ISIS and when it was established as an FTO. And  
22 then look to the dates of the transactions in this  
23 case, of the actions and the words.

24 Finally, this Court has jurisdiction over  
25 the offense. The defendant is a U.S. citizen, so

1 the Court has jurisdiction. Exhibit 54 and 64 are  
2 the passport and his birth certificate, so you know  
3 the defendant is a U.S. citizen.

4 The government doesn't have to prove there  
5 was a formal agreement under the conspiracy law; nor  
6 that conspirators actually succeeded in  
7 accomplishing their goal. That's not required.

8 Marshal Major Napoletano, as you will  
9 remember from the Italian Carbianari, testified at  
10 length about the coconspirator Ibn Dawla or  
11 Monour el Aoual, known as both, and how this  
12 conspiracy spanned the globe. This is an  
13 international investigation. Led them to this  
14 person, Ibn Dawla, who was living illegally in  
15 Italy. And they talked directly together with the  
16 defendant in groups, as well, monitoring this and  
17 running this channel. And the government -- or the  
18 charges requires that there was an agreement to  
19 provide material support to ISIS and at least one  
20 member made an overt act, not that it actually  
21 occurred.

22 Material support or resources is defined  
23 as, the purposes of this case, any service to  
24 include recruitment or administrative service or  
25 personnel, including the defendant.

1           In Count Two, the defendant is charged  
2 with attempting to provide material support to a  
3 foreign terrorist organization. Now, the defendant  
4 knowingly, as the first element provided, or  
5 attempted to provide material support or resources,  
6 including services or personnel to the foreign  
7 terrorist organization, ISIS.

8           Look to Government's Exhibit 154, where he  
9 discusses how the best places to meet are in the  
10 land of jihad and how many have mobilized, knowingly  
11 recognizing the members of the channel had gone to  
12 ISIS controlled territory. And also look to  
13 Government's Exhibit 180.

14           (Video clip played in Arabic:)

15           MS. MEEKS: The defendant knowingly was  
16 giving this advice to a member who had asked  
17 about -- a member who said he was from Manchester,  
18 England. He knowingly attempted to provide that  
19 recruitment and advice to ISIS.

20           Also, the second element is that the  
21 defendant knew that ISIS was a designated terrorist  
22 organization or that ISIS had engaged in or was  
23 engaging in terrorist activity.

24           And you will recall in Exhibit 174, the  
25 defendant actually admitted to being prior Hamas.



1 And as Dr. Vidino explained, Hamas was yet another  
2 terrorist organization, but it wasn't extremist  
3 enough; it actually tried to act as a legitimate  
4 body. So the defendant, having already belonged  
5 admittedly to an FTO, rejected that one to choose a  
6 different one, to choose ISIS affirmatively because  
7 it matched his ideology: the violent proclivities;  
8 the extreme Shari'a's interpretations.

9 In Government's Exhibit 166 the defendant  
10 says: "This is our terrorism, our terrorism extends  
11 and the state is strong by the grace of God. This  
12 is terror, terrorism reaches Turkey. Yes, our  
13 terrorism. You start it, and we will finish the war  
14 with you."

15 The defendant knew that ISIS was a  
16 terrorist organization. There's no doubt.

17 The third element is the Court has  
18 jurisdiction over the crime. Again, you can look to  
19 the passport and the birth certificate to know that  
20 the defendant is a U.S. citizen.

21 It also, for attempt, the government only  
22 needs to show that the defendant only intended to  
23 provide material support, intended. Based on all of  
24 the evidence before you, it's very clear what the  
25 defendant intended to do. And that the defendant

1 committed an act constituting a substantial step, a  
2 substantial step toward the commission of the crime  
3 strongly correlating the criminal intent or  
4 corroborating the criminal intent and being more  
5 than mere preparation.

6 In Exhibit 160, when the defendant is the  
7 talking to another member, saying: "This is elating  
8 news, Angousha," the member says, "there are  
9 brothers from this room who have mobilized."

10 And the defendant said, "No, no, no, let's  
11 not talk details, not like this on the private,"  
12 knowing that the communications in this public  
13 platform could be monitored by law enforcement,  
14 asking to go to a private chat so that they can talk  
15 in further detail, so that they can take a  
16 substantial step.

17 And then 194, the defendant saying, "So  
18 when will you rise up? When will you rise up? I  
19 mean attack the policeman. Attack the false  
20 leaders, members, government establishments, airline  
21 companies, police stations, government centers,  
22 movie theaters and tourism places. Set fire to  
23 Turkey."

24 He's also talking about anywhere that --  
25 anywhere that someone can commit an attack in an

1 infidel country.

2 That substantial step corroborates his  
3 criminal intent, and it is more than mere  
4 preparation.

5 Also, please turn to Government's Exhibit  
6 152.

7 (Video clip played in Arabic:)

8 "Where are you men? Where are you? Days  
9 and years keep passing and time is running out  
10 quicker than lightening. Er jihad has been there for  
11 many, many years. Some mobilized and some stayed  
12 behind. Er, brothers are trying, and we perceive you  
13 to be from those who try to mobilize to jihad for  
14 the cause of God..."

15 MS. MEEKS: "Where are you men? Time is  
16 running out. Come to jihad."

17 The defendant was an immediate threat, and  
18 FBI Special Agent Golomb told us that. Every day  
19 the defendant was on the channel recruiting,  
20 recruiting more ISIS soldiers, recruiting people to  
21 commit attacks in their homelands, running and  
22 facilitating this channel. Every day that was a  
23 threat.

24 In this war, there are things called  
25 foreign fighters. We heard about them. We heard

1 about the leaders Abu-Bakr al-Baghdadi and Abu  
2 Mohammad al-'Adnani and how Al-Baghdadi is the  
3 leader of ISIS and al-'Adnani was one of the  
4 leaders, the official spokesperson. In fact, he was  
5 the one that put out that call of arms, the call to  
6 action you've heard so much about. Don't wait for  
7 fatwa act in your homeland. This is what makes this  
8 terrorist organization so flexible, so unique, so  
9 dangerous.

10 Every army needs reinforcement. So every  
11 time the defendant was telling someone to go over  
12 and fight jihad in the Middle East in the Caliphate  
13 Land, that's to help replenish an Army. These are  
14 soldiers. This was an attempt to establish a  
15 functioning state. And the U.S. and coalition  
16 countries have been in conflict fighting ISIS for  
17 years. Every soldier that goes out to the  
18 battlefield on behalf of ISIS is a threat to a U.S.  
19 soldier or coalition soldier.

20 We also heard that when people would  
21 sometimes go back to their homelands from the  
22 battlefield -- Dr. Vidino talked about this -- that  
23 they became -- they were more dangerous because they  
24 had been further radicalized and they had training,  
25 military training. So even if they went and didn't

1 stay and came back to wherever they were from, they  
2 posed a threat to that homeland.

3 The defendant is also charged with making  
4 false statements to a federal agent. The elements  
5 in this are:

6 "First: That the defendant made a false  
7 statement to the Federal Bureau of Investigation  
8 regarding a matter within its jurisdiction and  
9 involving international terrorism;

10 Second: That the defendant made the  
11 statement intentionally, knowing that it was false;

12 Third: That the statement was material;

13 Fourth: That the defendant made a false  
14 statement for the purpose of misleading the FBI;

15 Fifth: That the matter involved  
16 international terrorism.

17 In Count Three, the defendant is charged  
18 with making a false statement to the question by  
19 FBI: "Have you ever discussed with anyone travel  
20 for the purpose of jihad?"

21 In Government's Exhibit 156, the defendant  
22 has said: "Wage jihad for the cause of God and ask  
23 God to grant you one of two glorious things,  
24 martyrdom or victory, in the hopes that you will die  
25 as a martyr to be an intercessor for your relatives,

1 to intercede for your parents." And he's talking to  
2 presumably a younger person here, because they are  
3 asking about permission from their parents to travel  
4 to wage jihad. Saying, the defendant continues:  
5 "You will intercede for 70 of your relatives. The  
6 reward for this matter is great." So he definitely  
7 discussed traveling for jihad, but he told the FBI  
8 agents "No." He lied. He knew it was a lie.

9 On 162, Government's Exhibit, he also  
10 talks about mobilizing, mobilizing from that channel  
11 to wage jihad. Again, saying "No" is a lie.

12 In Count Four, the defendant is charged  
13 with making a false statement in response to: "Have  
14 you ever been a supporter of the Islamic State,  
15 ISIL, ISIS or Daesh?" Well, we know that's true,  
16 but he said, "No." The defendant lied. "No, I  
17 haven't." All of the evidence before you, we know  
18 that's true.

19 In Count Five, he's charged with lying to  
20 the question: "Have you ever promoted violence on  
21 behalf of the Islamic State, ISIS or ISIL?" When  
22 you consider this, when he said, "No," also  
23 listen -- or consider, rather, Government's Exhibit  
24 190.

25 (Video clip played in Arabic:)

1            "...for the kind words. We do not look at  
2 your age, may God bless you, whether you are eight  
3 years old so ... or four years or ten years; it does  
4 not matter, rather what your creed down deep in your  
5 heart is, the creed of al-Wala' wal-Bara'. Meaning,  
6 may God bless you, you can now, I mean according to  
7 the area, to attack, I mean, as the Emirs of the  
8 Islamic State and the official spokesman of the  
9 Islamic State said, 'Be a lone wolf,' if you are  
10 able to do something in Turkey so I mean attack the  
11 infidels and the apostates the Turks, the Turkish  
12 police; if you are able to kill them then do so, if  
13 you can burn their businesses or burn er, their  
14 homes, I mean the government officials and police  
15 cars ... to kill police individuals. If you can do  
16 that then do it. If you cannot ..."

17            MS. MEEKS: It doesn't matter if you are  
18 eight or ten years old, or even four, I think.  
19 That's what the defendant is telling this member who  
20 presumably is a child. It doesn't matter how young  
21 you are. Go out and fight. Be a child soldier.  
22 Die for jihad. For this is the honor.

23            Has he promoted violence on behalf of the  
24 Islamic State? Absolutely.

25            In his taped interview that you saw, when

1 asked, interestingly enough: "What do you know  
2 about ISIS?"

3 The defendant responded: "Make sure to  
4 follow your children. You don't want your children  
5 messing with them." In fact, he said: "That's  
6 because ISIS follows the blood path."

7 In Count Six, the defendant is charged  
8 with lying to the question: "Have you ever,  
9 yourself, ever encouraged anyone to follow the  
10 guidance of Abu Mohammad al-'Adnani, including his  
11 instruction to kill infidels without consultation or  
12 permission?"

13 In Government's Exhibit 166, he says: "As  
14 al-'Adnani said, kill them and do not ask for  
15 anyone's fatwa. Kill them and do not seek a fatwa  
16 from anyone.' This one killed them. He killed  
17 them, spilled their filthy blood and offered his  
18 soul."

19 When the defendant told the FBI "No" to  
20 this question, he lied. You can look at  
21 Government's Exhibit 140 in support of that.

22 In Count Seven, he's charged with lying  
23 about the question: "Have you ever promoted an act  
24 of terrorism?"

25 In Government's Exhibit 198, he is



1 promoting the stabbing in Minnesota that occurred at  
2 a shopping mall on behalf of ISIS, by a young  
3 Somalian man who stabbed nine people. And when the  
4 defendant is asked: "Have you ever praised an act  
5 of terrorism?" And he said "No," consider  
6 Government's Exhibit 182.

7 (Video clip played in Arabic:)

8 "Okay then, what does Ibn-Baghdad say?  
9 'Killing slaughtering and burning, and today  
10 trampling the Islamic State is becoming creative in  
11 killing the enemies of God, the unbelievers --  
12 France is trampled in silence.' Good one, I swear  
13 this is a good one. I mean yes we want to laugh,  
14 and we want, glory be to God to thank God."

15 THE COURT: You have five minutes.

16 MS. MEEKS: Thank you, Your Honor.

17 When you are considering this and you're  
18 looking at the materiality, the law says that a  
19 statement is material if it has a natural tendency  
20 to influence or is capable of influencing a decision  
21 of the FBI.

22 Now, this is important: It is not  
23 necessary to show that the FBI was, in fact, misled.  
24 That's important. The law does not require the FBI  
25 to be ignorant. It is perfectly permissible and

1 legal for the FBI to understand the subject, to have  
2 committed a thorough investigation, to ask  
3 questions, and still have that answer, when a lie be  
4 material, just if it has a natural tendency to  
5 influence the FBI.

6 So if believed, would that have influenced  
7 the FBI? And in a counterterrorism investigation,  
8 all leads are pursued. If the defendant had told  
9 the truth and said "yes" to these questions, that  
10 would have led to additional questions. That would  
11 have led to additional parts of the investigation.  
12 These questions and these answers are material.

13 You will hear that lying is a part of  
14 tradecraft; not here, but we have heard it's a part  
15 of tradecraft. That the defendant took means to  
16 perform operational security. He had squirreled  
17 away SIM cards. He cleared his phones of any social  
18 media when he went to travel.

19 You heard in Government's Exhibits 188,  
20 93, and 216 about how to operate under a tradecraft,  
21 about what you should do to protect your phone, what  
22 networks you should be on or not be on and how  
23 everyone puts their lives in danger on this channel  
24 as stated by Ibn Dawla. So tradecraft is an  
25 important part.

1           And then on March 5th, 2017, when the  
2 defendant attempted to leave Dallas for Jordan, we  
3 know from speaking to Dr. Vidino that Jordan is a  
4 crossing point into Syria. Although not most widely  
5 used, it is used by people with familiarity in that  
6 country.

7           The defendant closed his store. He  
8 brought his birth certificate with him. He brought  
9 \$6,000 in U.S. cash. He stopped using his Zello  
10 account. He shaved his beard, changing his  
11 appearance. The defendant was not just talking, he  
12 was recruiting.

13           And we also heard from FBI Linguist Ayda  
14 Hussein, who is of Palestinian descent, a native  
15 Arabic speaker who understands the nuances and the  
16 inflections of the Arabic language. And when asked  
17 if the defendant ever, after listening to all these  
18 hours of audio, if he ever sounded like he was  
19 joking, she said, "No, he was very serious."

20           ISIS is still a threat. The First  
21 Amendment, by the way, does not provide a defense to  
22 a criminal charge simply because a person uses his  
23 associations, beliefs, or words to carry out illegal  
24 activity.

25           Stated another way: If a defendant's

1 speech, expression, or association were made with  
2 the intent to knowingly provide material support or  
3 resources to ISIS as described in the indictment, as  
4 is done in this case, the First Amendment would not  
5 provide a defense to that conduct.

6 Keep that in mind. It's not talk. It's  
7 recruitment.

8 THE COURT: That's time, but go ahead.

9 MS. MEEKS: May I continue, Your Honor?

10 THE COURT: Yes.

11 MS. MEEKS: One more.

12 On Government's Exhibit 290, please also  
13 remember that when the attack in Orlando occurred,  
14 the defendant said: "The Islamic Caliphate State  
15 executed this operation in the State of Orlando  
16 Florida, in the United States and killed 50 or more.  
17 This is the thumbprint of the Islamic State. This  
18 is the proof that I mean it is taking revenge on  
19 America and that America is its enemy."

20 Dr. Vidino said, "When you're a member of  
21 ISIS, ISIS's enemy is your enemy."

22 Thank you.

23 THE COURT: Thank you.

24 Mr. Whalen.

25 You will have about 14 minutes,

1 Ms. Martin.

2 Go ahead.

3 MR. WHALEN: May it please the Court,  
4 Counsel.

5 THE COURT: Mr. Whalen.

6 MR. WHALEN: Good morning, Ladies and  
7 Gentlemen. In a bit, the judge is going to read to  
8 you the jury charge, and that becomes your roadmap  
9 on how you are to distill and interpret this  
10 evidence. And I think it's going to be very  
11 important that you follow these instructions. I  
12 will go through some of the instructions we  
13 anticipate the judge will read to you, because we  
14 think it's extremely important that you focus on  
15 that.

16 Because my concern is, while you have  
17 heard things, as I said in opening, are outrageous,  
18 unconscionable to hear, it doesn't make them  
19 criminal. I think when you listen to the facts,  
20 you've heard the facts and apply the law to it, I  
21 believe you will have a reasonable doubt as to his  
22 guilt and find him not guilty.

23 And so I want to go through what I think  
24 the evidence shows in the law. And it may take a  
25 bit to do it, because there's a lot of information.

1 I mean, we were only here a week, but there's a lot  
2 to digest. You heard a lot of things over and over  
3 again. But what does it all mean?

4 The first thing I want to talk about is, I  
5 want to talk about the false statement counts first.  
6 Because I think that leads into some other things.  
7 So what you have is the start of the investigation.  
8 It started on April of 2016. And you heard Agent  
9 Golomb say that they identified Mr. Rahim within two  
10 weeks. They knew who that was, and it was  
11 Mr. Rahim.

12 And then after that, they set up a pole  
13 camera at his business, at his home, where they had  
14 an IP address, and they watched him 24/7 for almost  
15 a year. And in that time, they've got hours,  
16 hundreds of hours of chats on the chat room that  
17 they listened to. They used subpoenas. They used  
18 search warrants. They used physical surveillance  
19 with people. So they are ready for him, and they  
20 even know he's going to fly. They were made aware  
21 that he made reservations. And so they are ready  
22 for him to show up on March 5th, 2017, approximately  
23 11 months.

24 So they knew who he was. They had  
25 coordinated with the Italian authorities. They knew

1 it was his voice on those Zello chat rooms. They  
2 had translated them from Arabic to English. They  
3 knew everything he had said and done in that past  
4 year. Then he arrives, and he believes he's going  
5 to get on that plane, and he's not. They know he's  
6 not. And so the whole interaction between Mr. Rahim  
7 and the FBI started with a lie. "Let us help you  
8 try to figure this out so you can board that plane."

9 Now, I know they are going to say it's an  
10 investigative technique and they are allowed to use  
11 it, and that's true. But their whole interaction  
12 started with a lie with him that day.

13 They already had search warrants to search  
14 his luggage. They already had search warrants to  
15 look at his phone. They had a SWAT team. They had  
16 other surveillance. They had left nothing to  
17 chance. And they meet Mr. Rahim. He agrees to  
18 answer questions, and he makes statements in there  
19 that are inconsistent with what he said on those  
20 chats. That is true.

21 But the question becomes, were they  
22 material? And I said in opening, did they matter?  
23 Because when we talk about materiality -- you heard  
24 the definition -- it's material if it has a natural  
25 tendency to influence or is capable of influencing a

1 decision of the FBI. Did you hear any testimony  
2 about anything, how it influenced their  
3 decision-making of what they did and how they did it  
4 or why they did it? They already had done it.  
5 Actually, when you look at it if he lied about it,  
6 it even confirmed what they were trying to find out.  
7 They already knew what he had said. It was not a  
8 mystery. And whether he confirmed it or denied, it  
9 didn't matter. So look at that and focus on that.  
10 It's not just about he lied, it had to have  
11 mattered.

12 And we went through all the different  
13 things that he told when he talked in that room that  
14 he told the truth about. And he told the truth  
15 about going to see his daughter in Jordan. There's  
16 no denying that. There's no doubt about that.  
17 That's why he was going.

18 So when you look at those counts, focus on  
19 the materiality issue, because that's where I think  
20 the focus should be, and I think you do have a  
21 reasonable doubt of whether or not they were  
22 material. I don't think the evidence supports that.

23 And remember the burden of proof is on the  
24 government. They have to prove this case to you  
25 beyond a reasonable doubt. And as the charge will



1 say to you: "The government has the burden of  
2 proving the defendant guilty beyond a reasonable  
3 doubt. And if it fails to do so, you must acquit  
4 the defendant." That is the law, and that is your  
5 obligation as jurors.

6 "While the government's burden of proof is  
7 a strict or heavy burden, it's not necessary it be  
8 proved beyond all possible doubt." They have to  
9 exclude any reasonable doubt. "And a reasonable  
10 doubt is a doubt based upon reason and common sense  
11 after careful and impartial consideration of all the  
12 evidence in the case. And proof beyond a reasonable  
13 doubt, therefore, is proof of such a convincing  
14 character that you would be willing to rely and act  
15 upon it without hesitation in the most important of  
16 your own affairs." It requires you to do it  
17 carefully, conscientiously and not emotionally.

18 So let's talk about Count One and  
19 Count Two, because I think that's where most of the  
20 focus came.

21 So we start with Count One, the conspiracy  
22 count. So what was the agreement? What did they  
23 agree to do exactly? You have a group of people,  
24 like-minded, who, as Dr. Vidino said, are fans of  
25 ISIS or supporters of ISIS, talking to one another

1 about their own views and opinions on a social media  
2 platform.

3 And yeah, they agreed to the rules of the  
4 channel, and somehow that makes it sophisticated.  
5 But if you add structure to, "Hey, we're going to  
6 put together a channel and we're going to have rules  
7 and people have certain roles," does that somehow  
8 make it sophisticated or just -- it's just  
9 organized. "We're not going to talk over each  
10 other. Everybody is going to have an opportunity to  
11 speak or limit it or however we want to decide.  
12 Those are the rules. If you want to join the chat  
13 room, you can join the chat room. Those are the  
14 rules." Somehow that becomes sophisticated.

15 And what do they talk about on there?  
16 They talked about stuff that, as Dr. Vidino said,  
17 nothing new, they were just parroting back what  
18 other people said. They were just parroting things  
19 back and saying the same thing over and over again.

20 But it's also interesting as far as the  
21 conspiracy about what their agreement was, because  
22 they talk, but in my opinion they don't do. Because  
23 you have Mr. Ibn Dawla, the Italian fellow, talking  
24 about bomb making. "We're going to make bombs, and  
25 I know about making bombs, and this is what we are

1 going to do." And they watched him for a lengthy  
2 period of time and listened to what he had to say.  
3 And when they arrested him, the question I asked  
4 was, "Did you find any bomb making materials? Did  
5 you find anything related to bombs?"

6 "No."

7 Don't you think if that was the intent, we  
8 would have found receipts, internet searches, bomb  
9 making materials? We find nothing.

10 And so I think it's important -- and it's  
11 important that you have the instruction in the  
12 conspiracy count that says: "A mere presence at the  
13 scene of an event, even with knowledge that a crime  
14 is being committed or the mere fact that certain  
15 persons may have associated with each other and may  
16 have assembled together and discussed common aims  
17 and interests, does not necessarily establish proof  
18 of the existence of the conspiracy. Also, a person  
19 who has no knowledge of conspiracy but happens to  
20 act in a way that advances some purpose of a  
21 conspiracy does not thereby become a conspirator."

22 There's a reason why we have that.  
23 Because if they are all just a bunch of supporters  
24 getting together and talking about things that are  
25 outrageous and offensive, that's not a conspiracy.

1 So you have to look at that. It's easy to just say,  
2 "Well, they talked about setting up the channel,  
3 therefore that was the agreement." But what did  
4 they really agree to?

5 And the other thing that you're going to  
6 have in the jury charge as it relates to material  
7 support and resources, is: "Any service refers to  
8 services provided to a foreign terrorist  
9 organization. Service, for example, can mean an act  
10 done for the benefit or at the command of another.  
11 Independently advocating for a cause is not  
12 providing a service to a foreign terrorist  
13 organization."

14 So when we talk about services, and  
15 they're going to say this thing was to recruit  
16 people or set up this chat, are they acting on  
17 behalf of ISIS, at their direction or control? Or  
18 are they doing it independently?

19 And I think it's important to look at and  
20 consider that through this all, all this talk that  
21 they did about, we're going to go to the battlefield  
22 or commit jihad or do those things, did one  
23 person -- is there any evidence to suggest that  
24 anybody from this channel did any such thing?  
25 Because if their goal is to actively recruit people,

1 where is the evidence that they did it and there is  
2 a result. Because words are words, actions are  
3 actions. So you have a lot of words, but not a lot  
4 of actions.

5 And so the other part of it comes down to  
6 personnel. Do they provide personnel? And you have  
7 a lengthy definition in your instructions, and I'm  
8 going to read it to you. It provides that: "No  
9 person may be prosecuted under this section in  
10 connection with the term 'personnel' unless that  
11 person has knowingly provided, attempted to provide,  
12 or conspired to provide a foreign terrorist  
13 organization with one or more individuals who may  
14 include himself to work under the terrorist  
15 organization's direction or control or to organize,  
16 manage, supervise or otherwise direct the operation  
17 of that organization. Individuals who act entirely  
18 independently of the foreign terrorist organization  
19 to advance its goals or objectives, shall not be  
20 considered to be working under the foreign terrorist  
21 organization's direction and control."

22 So when it comes to personnel, you heard  
23 when we talk about the attack in Nice, in Orlando,  
24 Dr. Vidino said these were not done at the direction  
25 of ISIS, these were done by people who supported

1 ISIS. So I think when you look at that and focus on  
2 that and listen to these instructions, that leads to  
3 reasonable doubt.

4 Now, they want to say or infer or want you  
5 to infer that when he went to Jordan, he was  
6 providing himself to the organization. And really,  
7 when you get right down to it, it's just rank  
8 speculation. He's going to see his daughter. And  
9 they talk about how he shaved his beard, to make you  
10 think that somehow he changed his appearance. But  
11 would it make sense to shave your beard and be clean  
12 shaven for your daughter? And if he really changed  
13 his appearance, we saw his passport. Full beard,  
14 driver's license, full beard. And he brought his  
15 birth certificate with him and his passport and his  
16 driver's license. I'd rather be overprepared with  
17 proof of identity if you lost your passport in a  
18 foreign country.

19 He had a return ticket. He had seen her  
20 before. This was normal. It was not some movement  
21 on his part to go join the Caliphate. As much as  
22 they want you to believe that, they haven't proven  
23 that to you. It is not a reasonable inference.

24 Yes, he has cash. He's gone for two  
25 months. He's got to eat. He's got to live for two

1 months while he's spending time with his daughter.  
2 So they want to suggest that all these things means  
3 he's going to travel for jihad, but he's not. They  
4 haven't disputed he's going to see his daughter.  
5 He's going to see his daughter, period. So when it  
6 comes to services and personnel, they haven't proven  
7 that to you.

8           Then we get to the issue of attempt, which  
9 I find somewhat unperplexed by it, because it  
10 doesn't make sense to me. Because you have the  
11 attempt, he attempted to provide material support to  
12 ISIS, and so the attempt is -- there's -- and I'm  
13 going to get to this. But there are three different  
14 ways you will be instructed on they can prove he  
15 provided material support or services.

16           The first you provide material support by  
17 trying to recruit for ISIS; to provide personnel;  
18 and providing administrative services, which is the  
19 chat room. So when you get to this attempted  
20 language, I'm rather confused by it, because it says  
21 that he -- it amounts to more than mere preparation.  
22 So the government's theory, the way I hear it, is  
23 that he set up this chat room for that purpose and  
24 talked on it. So did he do it or not? Or are we  
25 just going to say he attempted to do it? That

1 doesn't make any sense to me.

2           And we're going to say that he attempted  
3 to recruit people. Well, they have to say he  
4 attempted to recruit people because they can't show  
5 you anybody he recruited. But did he really recruit  
6 anybody or attempt to recruit anybody? And finally,  
7 when you get to personnel, he didn't attempt to go  
8 anywhere. He attempted to go see his daughter. But  
9 he didn't attempt to go provide personnel.

10           And so now we talk about this section on  
11 freedom of speech, and I think it's a very important  
12 section. Because we have heard things that we don't  
13 like, but in this country we have a right to say  
14 them. And if you go to any social media website,  
15 you can find them. And in preparing for this case,  
16 people have lots of opinions about Orlando. In  
17 particular, a Christian pastor from California, and  
18 he -- this is what he said: "In America, you no  
19 longer are allowed to have an opinion that goes  
20 against mainstream society."

21           MS. MEEKS: Objection, Your Honor, facts  
22 not in evidence.

23           THE COURT: Overruled. This is argument.

24           MR. WHALEN: "As Christians, we should not  
25 be taking a sympathetic approach to these types of



1 news and saying, this was a tragedy, this is  
2 something we are sad about. We should be mourning  
3 these people. The Bible teaches that they are all  
4 predators. That all the Bible says about them, they  
5 are wicked, they are vial, they are predators, and  
6 God says they deserve the death penalty for what  
7 they do. I'm not saying we should do that, but when  
8 you find a sodomite, put them to death. And we're  
9 not -- he's not promoting -- he says he's not  
10 promoting violence, but we're saying this. If we  
11 lived in a righteous nation with a righteous  
12 government, then the government should be taking  
13 them. There's no tragedy. I wish the government  
14 would round them all up, put them up against a  
15 firing wall, put a firing squad in front of them and  
16 blow their brains out."

17 By God, how offensive is that. Saying it  
18 under the color of Christianity. But in this  
19 country, he has a right to say it. And whether  
20 you're believing in the Bible or the Quran, you have  
21 a right to speak your mind and your beliefs. And if  
22 you believe that and embrace that, that is a defense  
23 to the things he said on that chat room. This is  
24 what the case is all about. This is about our  
25 rights as citizens to say what we want to say. And

1 if we are accused by our government --

2 THE COURT: No, no, no. You're going too  
3 far now. Go back to your argument, but not that.

4 MR. WHALEN: Okay. You have a right to  
5 have a trial.

6 THE COURT: No, no. Talk about something  
7 else.

8 MR. WHALEN: Okay. And so I think the  
9 other thing you need to look at, too, is there's  
10 testimony in here about he was revered on the chat  
11 room, he was Sheikh, he was looked up to. People  
12 join groups to feel good about themselves, to look  
13 for validation. Was that what he was looking for?

14 So when you look at all of this and look  
15 at the law that you have, you will have a reasonable  
16 doubt, because when you look at everything they have  
17 for the whole year that he could have been waging  
18 jihad, all he ever did was get on a flight to see  
19 his daughter.

20 And I think it's also interesting, too,  
21 that the burden of proof in this case is beyond a  
22 reasonable doubt. And you heard Agent Golomb say  
23 that if he had not answered those questions and  
24 chose not to answer those questions, he did not have  
25 probable cause to arrest him. The evidence is no

1 different before March 5th or after March 5th, 2017.  
2 So if he didn't have probable cause to arrest him  
3 then, it's certainly not evidence of proof beyond a  
4 reasonable doubt.

5 And so when you go back there and follow  
6 these instructions as given to you, there is only  
7 one true verdict in this case, and that's not guilty  
8 on all counts, because they haven't proven it to you  
9 beyond a reasonable doubt. He had a right to say  
10 what he did. Thank you.

11 THE COURT: Thank you, Mr. Whalen.

12 Ms. Martin, you have about 14 minutes.

13 MS. MARTIN: Thank you, Your Honor.

14 I tell you what you don't have the right  
15 to do, and that's to recruit for ISIS. That's  
16 against the law. It's in your instructions. It's  
17 the law, the defendant did it, and he's guilty of  
18 it.

19 Mr. Whalen said, what is the agreement?  
20 The agreement is to support ISIS. The name of the  
21 channel is the State of the Islamic Caliphate.  
22 Every single day all they talk about is killing  
23 people, mobilizing for jihad, slaughtering people in  
24 their own lands, praising people that died in  
25 Orlando, praising people that died in Nice, France,

1 praising people that died in Turkey. That's all  
2 they do. All they promote is hate, all they promote  
3 is murder. That's what that channel was for. And  
4 that's not legal. That's not First Amendment.  
5 That's recruiting for a foreign terrorist  
6 organization.

7           Now, Mr. Whalen also said the defendant  
8 said -- he merely just said stuff, and nobody -- we  
9 can't even show that anyone ever even mobilized.  
10 The defendant, himself, brags about how people  
11 mobilized. You have people on this channel saying  
12 they are in Aleppo, Syria, they are in ar-Raqqah,  
13 Syria. They have mobilized. They are talking about  
14 it, they are bragging about it. He's saying, "Don't  
15 underestimate the channel, it's wonderful, we have  
16 people mobilizing all the time. And they came on  
17 this channel, and they didn't really know what ISIS  
18 was about. And we taught them and directed them to  
19 the A'maq News agency, the news agency for ISIS."  
20 That's exactly what they were doing. The defendant  
21 is telling people on the channel that they have  
22 mobilized. He's bragging about it.

23           Now, Mr. Whalen also wanted to talk to you  
24 about direction and control. And he called your  
25 attention to the charge. And on page 13, you will

1 see that it says at the top of the page, and that's  
2 page 13 of your jury charge: "In connection with  
3 the term 'personnel,' unless the person was  
4 knowingly provided, attempted to provide or  
5 conspired to provide a foreign terrorist  
6 organization with one or more individuals." That is  
7 the only way that the government charged this crime  
8 to be committed that relates to direction and  
9 control. The recruiting, the running the admin,  
10 direction and control is not required for that.  
11 Direction and control only relates to personnel.  
12 Mr. Whalen said it was personnel and services, and  
13 that's just not right. So read your charge. It  
14 only relates to personnel.

15 And it says if you act independently with  
16 respect to personnel, then it's not a violation.  
17 But was this independent? Of course it wasn't  
18 independent? There are 10,000 users on this  
19 channel. He's not acting independently. He's  
20 teaming up in Media Committee and Dialogue Committee  
21 and Coordination Committee. He's not acting  
22 independently. He's providing himself every day for  
23 ISIS to run this channel and to recruit for them.

24 You will notice on page 12 of your charge,  
25 about in the middle of the page it says: "Any

1 service refers to services provided to a foreign  
2 terrorist organization. Service, for example, can  
3 mean an act done for the benefit of or at the  
4 command of another." An act done for the benefit  
5 of. Everything this man did was for the benefit of  
6 ISIS. Everything. That was his whole life. That's  
7 all he cared about. He talked about it all day  
8 every day, "for the benefit of."

9 Mr. Whalen wanted to talk to you about the  
10 burden of proof. The burden of proof beyond a  
11 reasonable doubt asks you to use your reason and  
12 common sense. What does your reason and common  
13 sense tell you here? Just talk? No way. He was  
14 ordering people specifically to kill others. The  
15 person in Manchester, he gave a specific order for  
16 him to kill other people. He repeatedly called for  
17 people to mobilize for jihad; repeatedly. And  
18 that's also what he lied about in Count Three.

19 And you will see in Government's Exhibit  
20 152, page 4, he just repeatedly talks about  
21 mobilizing for jihad. He was giving fatwas,  
22 religious orders, to kill and to commit lone wolf  
23 attacks. He was using all manner possible to  
24 recruit: guilt; God's requirements; rewards to your  
25 family; a place in paradise. That's not just talk.

1 That's recruiting. That's material support to ISIS.

2 Just talk? He took over 2,000 actions as

3 a moderator/administrator on that channel. 2,000.

4 He took it on an ISIS channel. That's

5 administrative services. That's not just talk.

6 It's material support to ISIS.

7 Said Rahim used seven anonymous monikers

8 to run on this channel. Monikers like all way isis;

9 hola isis; safer-alshahadah, which means ambassador

10 of martyrdom; trip W amojahed, which means a trip

11 with Mujahidin. Anonymous activity on the internet

12 allows these people to promote their terrorism and

13 organize their terrorism in a safe place, meaning

14 they can get to more people without being detected

15 by law enforcement. That's the whole reason they do

16 it. If it's just talk, then why is it anonymous?

17 Because it's not just talk. He takes steps for

18 operational security, tradecraft, and he grows more

19 sophisticated as the case progressed.

20 Finally, at the end, he moved to a moniker

21 and only used cell phone data. He never logged into

22 a WiFi where he could be tied to a hard line.

23 That's tradecraft. That's someone who knows he's

24 committing crime because he knows he's recruiting

25 for a foreign terrorist organization. And he's

1 doing it in Dallas, Texas and Richardson, Texas. Is  
2 that just talk? No. That's material support for  
3 ISIS.

4 Said Rahim went off Zello, which he had  
5 been on nonstop for over two years. He bought a  
6 ticket to Jordan in the Levant bordering Syria. He  
7 shaved his beard. He went to the airport with  
8 \$6,000 in cash on him, wiped his phone of social  
9 media. He had three foreign SIM cards squirreled  
10 away, secreted away in a jewelry box in his luggage,  
11 and he had his birth certificate. He meant to stay.  
12 And then he lied. And he lied over and over and  
13 over.

14 If it's just talk, why lie? Why pretend  
15 that you aren't even sure you're familiar with some  
16 of the questions the FBI is asking about different  
17 terrorist organizations? If it's just talk, why are  
18 you lying about that? Why pretend you don't even  
19 know about these attacks when you are praising them  
20 and glorifying them over and over and over? The  
21 slaughter of Americans in Orlando, Florida, and in  
22 Minnesota. The killing of people on the Promenade  
23 in Nice, France. The killing of people in Turkey  
24 who were celebrating New Year's Eve He's praising  
25 it. It makes him so happy that someone from ISIS



1 murdered all these people. And then to act like you  
2 are not even 100 percent sure what the FBI agent is  
3 talking about when he's asking you questions? If  
4 that's okay, why are you lying? That's not talk.  
5 That's material support.

6 Mr. Whalen also talked about direction and  
7 control. The State of the Islamic Caliphate was the  
8 name of the channel. There were 72 documents  
9 directing them on ways to commit terrorist acts.

10 One of them that you saw pictures of --  
11 it's all in Arabic, so you can't read it -- had  
12 Osama bin Laden on it, al-Zacari on it, al-Baghdadi  
13 on it and al-'Adnani on it. They used their  
14 language over and over. This defendant uses  
15 al-'Adnani's language over and over. They are -- he  
16 is under the direction and control. You heard  
17 Dr. Vidino say, ISIS pushes out the message, that's  
18 the control. They push out the message in a broader  
19 sense, and then this defendant acted upon it.

20 Was Said Rahim ever getting on that plane?  
21 Of course he wasn't. Of course not. Did the FBI  
22 pretend to want to help him in order to interview  
23 him in order to further this investigation?  
24 Absolutely. You bet they did. That's their job,  
25 and they did it.

1 THE COURT: Five minutes.

2 MS. MARTIN: And they did it well. The  
3 law allows them to pretend to be helping him in  
4 order to do that interview. It's completely  
5 appropriate. There's nothing wrong with it. And  
6 those lies were material.

7 Judge Boyle is going to instruct you on  
8 page 16 of the jury charge about materiality. And  
9 it says: "A statement is material if it has a  
10 natural tendency to influence or is capable of  
11 influencing a decision of the FBI." Not did it, not  
12 did it matter on that day, was it capable of doing  
13 it.

14 And the next sentence says: "it is not  
15 necessary to show that the FBI was, in fact,  
16 misled." That's the law. It's not necessary to  
17 show that they believed him when he said it.

18 Are the statements -- do they tend to be  
19 able to influence? When a terrorist or some subject  
20 of terrorism says they didn't -- haven't ever  
21 promoted an act of terrorism, Agent Golomb testified  
22 that's important to the FBI. When someone says they  
23 didn't promote an act of violence, that's important  
24 to the FBI. When they said they've never been a  
25 supporter of ISIS, that is absolutely important to

1 the FBI. When they said they have never promoted or  
2 followed or spoken al-'Adnani's instructions to  
3 others to kill, that's important to the FBI. And  
4 whether or not they have praised over and over and  
5 over and over again the murders of people on behalf  
6 of ISIS, that's important to the FBI. Those  
7 statements were material. There's no question he  
8 lied about it, but they were material.

9 Said Rahim's allegiance, loyalty, his love  
10 is for ISIS. There is passion. And he passionately  
11 ran a social media platform channel to further that  
12 mission and he passionately recruited for them. He  
13 recruited because they need recruits. ISIS's role  
14 is convert, pay the jizyah, pay the tax or die. The  
15 greatest threat to ISIS is democracy, and they are  
16 violent and vigilant in attacking it.

17 (Audio played; in Arabic.)

18 MS. MARTIN: In any area where Christians  
19 exist, they are targets. Or a Jew or atheist or  
20 crusader or where a Christian missionary preacher  
21 is, all of those are legal targets of the Islamic  
22 Caliphate State according to Said Rahim.

23 No, Said Rahim, they are not. Not in the  
24 United States of America, not in the Northern  
25 District of Texas, and not in this courtroom. You

1 tell him so. You find him guilty on all counts.

2 THE COURT: Thank you, Ms. Martin.

3 Okay, Ladies and Gentlemen, does anyone  
4 need a bathroom break?

5 Okay. We're going to take a bathroom  
6 break. Remember it's not time to talk about the  
7 case. It will be in a minute, but you will hear my  
8 charge first and then go back and start  
9 deliberating. Go ahead. Five minutes.

10 (Jury exits courtroom.)

11 THE COURT: Please make sure you both --  
12 I'm going to make you put on the record that you  
13 have looked at all the exhibit, Mr. Whalen has  
14 looked at all the defense and the government,  
15 Ms. Martin and Ms. Meeks, have looked at the defense  
16 and government exhibits before they go back there.

17 Let's take a five-minute break.

18 (Recess taken.)

19 THE COURT: We're going to pass out the  
20 charges to you.

21 I'm going to read from the original. This  
22 is the original. You have copies, and you can take  
23 that back with you. But the original is the one  
24 that the foreperson will sign and stick back in here  
25 and seal and give to the court security officer who,

1 in turn, will give it to me. Just so you know, this  
2 is the one you will look for. It has my signature  
3 in blue on the back.

4 Jury Instructions

5 In any jury trial, there are, in effect,  
6 two judges. I am one of the judges; the other is  
7 the jury. It is my duty to preside over the trial  
8 and to decide what evidence is proper for your  
9 consideration. It is also my duty at the end of the  
10 trial to explain to you the rules of law that you  
11 must follow and apply in arriving at your verdict.

12 First, I will give you some general  
13 instructions which apply in every case, for example,  
14 the instructions about the burden of proof and how  
15 to judge the believability of witnesses. Then I  
16 will give you some specific rules of law about this  
17 particular case. And finally I will explain to you  
18 the procedures you should follow in your  
19 deliberations.

20 General Instructions:

21 Duty to Follow Instructions

22 You, as jurors, are the judges of the  
23 facts. But in determining what actually happened --  
24 that is, in reaching your decision as to the  
25 facts -- it is your sworn duty to follow all the

1 rules as I have explained them to you.

2           You have no right to disregard or give  
3 special attention to any one instruction, or to  
4 question the wisdom or correctness any of rule of  
5 law as I may state it to you. You must not  
6 substitute or follow your own notion or opinion as  
7 to what the law is or ought to be. It is your duty  
8 to apply the law as I explain it to you, regardless  
9 of the consequences.

10           It is also your duty to base your verdict  
11 solely upon the evidence, without prejudice or  
12 sympathy. That was the promise and oath you made  
13 before you were accepted by the parties as jurors,  
14 and they have the right to expect nothing less.

15                           Note-Taking

16           If you have taken notes, your notes should  
17 be used only as memory aids. You should not give  
18 your notes any precedence over your independent  
19 recollection of the evidence. If you did not take  
20 notes, you should rely on your own independent  
21 recollection of the proceedings, and you should not  
22 be unduly influenced by the notes of other jurors.

23           Notes are not entitled to any greater  
24 weight than the memory or impression of each juror  
25 as to what the testimony may have been. Whether you

1 have taken notes or not, each of you must form and  
2 express your own opinion as to the facts of the  
3 case.

4 Presumption of Innocence, Burden of Proof and  
5 Reasonable Doubt

6 The second superseding indictment or  
7 formal charge against the defendant is not evidence  
8 of guilt. Indeed, a defendant is presumed by law to  
9 be innocent. The defendant begins with a clean  
10 slate. The law does not require a defendant to  
11 prove his innocence or produce any evidence at all.

12 The government has the burden of proving  
13 the defendant guilty beyond a reasonable doubt, and  
14 if it fails to do so, you must acquit the defendant.  
15 While the government's burden of proof is a strict  
16 or heavy burden, it is not necessary that the  
17 defendant's guilt be proved beyond all possible  
18 doubt. It is only required that the government's  
19 proof exclude any "reasonable doubt" concerning the  
20 defendant's guilt.

21 A "reasonable doubt" is a doubt based upon  
22 reason and common sense after careful and impartial  
23 consideration of all the evidence in the case.  
24 Proof beyond a reasonable doubt, therefore, is proof  
25 of such a convincing character that you would be

1 willing to rely and act upon it without hesitation  
2 in the most important of your own affairs.

3 Evidence - Excluding What is Not Evidence

4 As I told you earlier, it is your duty to  
5 determine the facts. To do so, you must consider  
6 only the evidence presented during the trial.  
7 Evidence is the sworn testimony of the witnesses,  
8 including stipulations and exhibits. The questions,  
9 statements, objections and arguments made by the  
10 lawyers are not evidence.

11 The function of the lawyers is to point  
12 out those things that are most significant or most  
13 helpful to their side of the case, and in so doing  
14 to call your attention to certain facts or  
15 inferences that might otherwise escape your notice.  
16 In the final analysis, however, it is your own  
17 recollection and interpretation of the evidence that  
18 controls in the case. What the lawyers say is not  
19 binding upon you.

20 During the trial, I sustained objections  
21 to certain questions and exhibits. You must  
22 disregard those questions and exhibits entirely. Do  
23 not speculate as to what the witness would have said  
24 if permitted to answer the question, or as to the  
25 contents of an exhibit. Also -- just a minute.



1 Also, certain testimony -- also in the final  
2 analysis -- the function of the lawyers is to point  
3 out those things that are most significant to their  
4 side of the case, and in so doing to call your  
5 attention to certain facts or inferences that might  
6 otherwise escape your notice. In the final  
7 analysis, however, it is your own recollection and  
8 interpretation of the evidence that controls in the  
9 case. What the lawyers say is not binding upon you.

10 During the trial, I sustained objections  
11 to certain questions and exhibits. You must  
12 disregard those questions and exhibits entirely. Do  
13 not speculate as to what the witness would have said  
14 if permitted to answer the question, or as to the  
15 contents of an exhibit. Also, certain testimony or  
16 other evidence has been ordered removed from the  
17 record and you have been instructed to disregard  
18 this evidence. Do not consider any testimony or any  
19 evidence that has been removed in reaching your  
20 decision. Your verdict must be based solely on the  
21 legally admissible evidence and testimony.

22 Also, do not assume from anything that I  
23 may have done or said during the trial that I have  
24 any opinion concerning any of the issues in the  
25 case. Except for the instructions to you on the

1 law, you should disregard anything I may have said  
2 during the trial in arriving at your verdict.

3 Evidence - Inferences - Direct and Circumstantial

4 In considering the evidence, you are  
5 permitted to draw such reasonable inferences from  
6 the testimony and exhibits as you feel are justified  
7 in light of common experience. In other words, you  
8 may make deductions and reach conclusions that  
9 reason and common sense lead you to draw from the  
10 facts which have been established by the evidence.

11 Do not be concerned about whether evidence  
12 is direct evidence or circumstantial evidence. You  
13 should consider and weigh all of the evidence that  
14 was presented to you.

15 "Direct evidence" is the testimony of one  
16 who asserts actual knowledge of fact, such as an  
17 eyewitness. "Circumstantial evidence" is proof of a  
18 chain of facts and circumstances indicating that  
19 something is or is not a fact.

20 The law makes no distinction between the  
21 weight to be given to either direct or  
22 circumstantial evidence. But the law requires that  
23 you, after weighing all of the evidence, whether  
24 direct or circumstantial, be convinced of the guilt  
25 of the defendant beyond a reasonable doubt before

1 you can find him guilty.

2 Credibility of Witnesses

3 I remind you that it is your job to decide  
4 whether the government has proved the guilt of the  
5 defendant beyond a reasonable doubt. In doing so,  
6 you must consider all of the evidence. This does  
7 not mean, however, that you must accept all of the  
8 evidence as true or correct.

9 You are the sole judges of the credibility  
10 or believability of each witness and the weight to  
11 be given to the witness's testimony. An important  
12 part of your job will be making judgments about the  
13 testimony of the witnesses. You should decide  
14 whether you believe all, some, part, or none of what  
15 each person had to say and how important that  
16 testimony was. In making that decision, I suggest  
17 you ask yourself a few questions: Did the witness  
18 impress you as honest? Did the witness have any  
19 particular reason not to tell the truth? Did the  
20 witness have a personal interest in the outcome of  
21 the case? Did the witness have any relationship  
22 with either the government or the defense? Did the  
23 witness seem to have a good memory? Did the witness  
24 clearly see or hear things about which he testified?  
25 Did the witness have the opportunity and ability to

1 understand the questions clearly and answer them  
2 directly? Did the witness's testimony differ from  
3 the testimony of other witnesses? These are a few  
4 of the considerations that will help you to  
5 determine the accuracy of what each witness said.

6 Your job is to think about the testimony  
7 of each witness you have heard and decide how much  
8 you believe of what each witness had to say. In  
9 making up your mind and reaching a verdict, do not  
10 make any decisions simply because there were more  
11 witnesses on one side than the other. Do not reach  
12 a conclusion on a particular point because there  
13 were more witnesses testifying for one side on that  
14 point. You will always bear in mind that the law  
15 never imposes upon the defendant in a criminal case  
16 the burden or duty of calling any witnesses or  
17 producing any evidence.

18 I remind you that the defendant has an  
19 absolute right not to testify, and the exercise of  
20 that right may not be considered by you as evidence  
21 of guilt or in any way adversely to that defendant,  
22 but merely as an exercise of a protected  
23 constitutional right.

24 Expert Opinion Testimony

25 During the trial, you heard the testimony

1 of Dr. Lorenzo Vidino and FBI Linguist Ayda Hussein,  
2 who expressed opinions concerning: The background  
3 and operation of ISIS; the translations from Arabic  
4 to English. If scientific, technical or other  
5 specialized knowledge might assist the jury in  
6 understanding the evidence or determining a fact in  
7 issue, a witness qualified by knowledge, skill,  
8 experience, training or education may testify and  
9 state an opinion concerning all such matters.

10 Merely because such a witness has  
11 expressed an opinion does not mean, however, that  
12 you must accept this opinion. You should judge such  
13 testimony like any other testimony. You may accept  
14 it or reject it or give it as much weight as you  
15 think it deserves considering the witness's  
16 education, experience, the soundness of the reasons  
17 given for the opinion, and all other evidence in the  
18 case.

19 On or About

20 You will note that the second superseding  
21 indictment charges that the offense was committed on  
22 or about or in or about specified dates. The  
23 government does not have to prove that the crime was  
24 committed on those exact dates, so long as the  
25 government proves beyond a reasonable doubt that the

1 defendant committed the crime on a date reasonably  
2 near October 2014 through March 2017, the dates  
3 stated in the second superseding indictment.

4 Caution - Consider Only Crime Charged

5 You are here to decide whether the  
6 government has proved beyond a reasonable doubt that  
7 the defendant is guilty of the crimes charged. The  
8 defendant is not on trial for any act, conduct, or  
9 offense not alleged in the second superseding  
10 indictment. Neither are you called upon to return a  
11 verdict as to the guilt of any other person or  
12 persons not on trial as a defendant in this case,  
13 except as you are otherwise instructed.

14 Caution - Punishment.

15 If the defendant is found guilty, it will  
16 be my duty to decide what the punishment will be.  
17 You should not be concerned with punishment in any  
18 way. It should not enter your consideration or  
19 discussion.

20 Single defendant - Multiple counts.

21 A separate crime is charged in each count  
22 of the second superseding indictment. Each count  
23 and the evidence pertaining to it, should be  
24 considered separately. The fact that you may find  
25 the defendant guilty or not guilty as to one of the

1 crimes charged should not control your verdict on  
2 the other.

3 Cautionary Instruction - Transcripts

4 Exhibit 65 has been identified as a  
5 typewritten transcript of the oral conversation  
6 between the defendant and federal agents, which can  
7 be heard on the video recording received in evidence  
8 as Government's Exhibit 64. The transcript also  
9 purports to identify the speakers engaged in such  
10 conversations.

11 I have admitted the transcript for the  
12 limited and secondary purpose of aiding you in  
13 following the content of the conversations as you  
14 listen to the tape recording and also to aid you in  
15 identifying the speakers.

16 You are specifically instructed that  
17 whether the transcript correctly or incorrectly  
18 reflects the content of the conversations or the  
19 identity of the speakers is entirely for you to  
20 determine based upon your own evaluation of the  
21 evidence you have heard concerning the preparation  
22 of the transcript, and from your own examination of  
23 the transcript in relation to your hearing of the  
24 video recording itself as the primary evidence of  
25 its own contents; and, if you should determine that

1 the transcript is in any way incorrect or  
2 unreliable, you should disregard it to that extent.  
3 It is what you hear on the video that is evidence,  
4 not the transcript.

5 Transcript of Foreign Language - Tape Recorded  
6 Conversation

7 Among the exhibits admitted during the  
8 trial were recordings that contained conversations  
9 in the Arabic language. You were also provided  
10 English transcripts of those conversations. Those  
11 transcripts were provided to you by the government  
12 so that you can consider the content of the  
13 conversations on the recordings. Whether a  
14 transcript is an accurate translation, in whole or  
15 in part, is for you to decide. You should not rely  
16 in any way upon knowledge you may have of the  
17 language spoken on the recording; your consideration  
18 of the transcripts should be based on the evidence  
19 introduced in the trial.

20 In considering whether the transcripts  
21 accurately describe the meaning of a conversation,  
22 you should consider the testimony presented to you  
23 regarding how, and by whom, the transcript was made.  
24 You may consider the knowledge, training, and  
25 experience of the -- and experience of the



1 translator, as well as the nature of the  
2 conversations and the reasonableness of the  
3 translation in light of all the evidence in the  
4 case.

5 Summaries and Charts

6 Certain charts and summaries have been  
7 received into evidence. You should give them only  
8 such weight as you think they deserve.

9 Knowingly

10 The word "knowingly" as that term has been  
11 used from time to time in these instructions, means  
12 that an act was done voluntarily and intentionally,  
13 not because of mistake or accident.

14 Charges Against the Defendant

15 Count One: Conspiracy to Provide Material  
16 Support to a Foreign Terrorist Organization in  
17 violation of 18 U.S.C. Section 2339B.

18 Count 1 of the second superseding  
19 indictment charges the defendant, Said Rahim -- Said  
20 Mohamad Rahim with violating Title 18 United States  
21 Code Section 2339B, which makes it a crime for  
22 anyone to conspire with someone else to knowingly  
23 provide material support or resources to a foreign  
24 terrorist organization.

25 The second superseding indictment alleges

1 that on or about October 2014 until in or about  
2 March 2017 in the Dallas Division of the Northern  
3 District of Texas and elsewhere, the defendant, Said  
4 Azzam Mohamad Rahim, conspired with Coconspirator I  
5 and other persons known and unknown to the grand  
6 jury to violate 18 U.S.C. Section 2339B, to provide  
7 material support or resources, including services  
8 and personnel, to a foreign terrorist organization,  
9 namely the Islamic State of Iraq and al-Sham (ISIS),  
10 knowing that ISIS is a designated terrorist  
11 organization and that ISIS has engaged and engages  
12 in terrorist activity and terrorism.

13 A "conspiracy" is an agreement between two  
14 or more persons to join together to accomplish some  
15 unlawful purpose. It is a kind of a "partnership in  
16 crime" in which each member becomes the agent of  
17 every other member.

18 For you to find the defendant guilty of  
19 this crime, you must be convinced that the  
20 government has proved each of the following beyond a  
21 reasonable doubt:

22 First: That the defendant and at least  
23 one other person agreed to provide material support  
24 or resources, including services or personnel to, a  
25 Foreign Terrorist Organization, in this case, ISIS;

1           Second: That the defendant knowingly  
2 became a member of the conspiracy with the intent to  
3 further its unlawful purpose;

4           Third: That one of the conspirators  
5 knowingly committed at least one overt act for the  
6 purpose of furthering the conspiracy charged in  
7 Count One of the second superseding indictment;

8           Fourth: That the charged conspiracy  
9 existed on or after May 15th, 2014, the date ISIS  
10 was designated a Foreign Terrorist Organization; and

11           Fifth: That this Court has jurisdiction  
12 over the offense.

13           One may become a member of a conspiracy  
14 without knowing all the details of the unlawful  
15 scheme or the identities of all the other alleged  
16 coconspirators. If a defendant understands the  
17 unlawful nature of a plan or scheme and knowingly  
18 and intentionally joins a plan or scheme on one  
19 occasion, that is sufficient to convict him for  
20 conspiracy even though the defendant had not  
21 participated before and even though the defendant  
22 played only a minor part.

23           The government need not prove that the  
24 alleged conspirators entered into any formal  
25 agreement, nor that they directly stated between

1 themselves all the details of the scheme.  
2 Similarly, the government need not prove at all --  
3 similarly, the government need not prove that all of  
4 the details of the scheme alleged in the second  
5 superseding indictment were actually agreed upon or  
6 carried out. Nor must it prove that all of the  
7 persons alleged to have been members of the  
8 conspiracy were such, or that the alleged  
9 coconspirators actually succeeded in accomplishing  
10 any other unlawful objectives.

11           Mere presence at the scene of the event,  
12 even with knowledge that a crime is being committed,  
13 or the mere fact that a certain person may have  
14 associated with each other, and may have assembled  
15 together and discussed common aims and interests,  
16 does not necessarily establish proof of existence of  
17 a conspiracy. Also, a person who has no knowledge  
18 of a conspiracy, but who happens to act in a way  
19 that advances some purpose of a conspiracy, does not  
20 thereby become a conspirator.

21           For you to find the defendant guilty of  
22 conspiracy to provide material support or resources  
23 to a foreign terrorist organization, you must be  
24 convinced beyond a reasonable doubt that the  
25 defendant made an agreement to commit a crime that

1 would consist of the following elements:

2 First: That the defendant knowingly  
3 provided material support or resources, including  
4 services or personnel, to the Foreign Terrorist  
5 Organization, ISIS;

6 Second: That the defendant did so,  
7 knowing that ISIS was a designated terrorist  
8 organization or that ISIS had engaged or was  
9 engaging in a terrorist activity or terrorism; and

10 Third: That the Court has jurisdiction  
11 over the crime charged.

12 The term "material support or resources"  
13 means, for the purposes of this case, any service to  
14 include recruitment, or administrative service, or  
15 personnel, including the defendant.

16 "Any service" refers to services provided  
17 to a foreign terrorist organization. Service, for  
18 example, can mean an act done for the benefit or at  
19 the command of another. Independently advocating  
20 for a cause is not providing a service to a foreign  
21 terrorist organization.

22 The term "foreign terrorist organization"  
23 has a particular meaning under the statute. For an  
24 organization to qualify to be a foreign terrorist  
25 organization, it must have been designated as such

1 by the Secretary of the State through a process  
2 established by law. I instruct you that ISIS was so  
3 designated by the Secretary of State on May 15,  
4 2014.

5 Title 18, United States Code,  
6 Section 2339B(d)(1) provides that the Court has  
7 jurisdiction over the crime in Count One if you find  
8 that any of the following applies to defendant:

9 One: That he is a national of the United  
10 States or an alien lawfully admitted for permanent  
11 residence in the United States;

12 Two: That the offense occurred in whole  
13 or in part within the United States; or

14 Three: That the offense occurred in or  
15 affected interstate commerce.

16 Title 18, United States Code,  
17 Section 2339B(h) provides that no person may be  
18 prosecuted under this section in connection with the  
19 term "personnel" unless the person has knowingly  
20 provided, attempted to provide, or conspired to  
21 provide a foreign terrorist organization with one or  
22 more individuals (who may be or include himself) to  
23 work under that terrorist organization's direction  
24 or control or to organize, manage, supervise, or  
25 otherwise direct the operation of that organization.

1 Individuals who act entirely independently of the  
2 foreign terrorist organization to advance its goals  
3 or objectives shall not be considered to be working  
4 under the foreign terrorist organization's direction  
5 and control.

6 The term "national of the United States"  
7 means (A) a citizen of the United States, or (b) a  
8 person who, even though not a citizen of the United  
9 States, owes permanent allegiance to the United  
10 States.

11 The First Amendment of the United States  
12 Constitution provides:

13 "Congress shall make no law respecting an  
14 establishment of religion, or prohibiting the free  
15 exercise thereof or abridging the freedom of speech,  
16 or the press; or the right of the people peaceably  
17 to assemble, and to petition the government for  
18 redress of grievances."

19 This amendment guarantees to all persons  
20 of the United States the right to freedom of speech,  
21 freedom of religion and freedom of association.  
22 Because of these constitutional guarantees, no one  
23 can be convicted on a crime simply on the basis of  
24 his beliefs, his expressions of those beliefs or his  
25 associations. The First Amendment, however, does

1 not provide a defense to a criminal charge simply  
2 because a person uses his associations, beliefs or  
3 words to carry out an alleged activity. Stated  
4 another way, if a defendant's speech, expression, or  
5 association were made with the intent to knowingly  
6 provide material support or resources to ISIS, as  
7 described in the indictment, then the First  
8 Amendment would not provide a defense to that  
9 conduct.

10 "Interstate Commerce" means commerce or  
11 travel between one state, territory or possession of  
12 the United States and another state, territory or  
13 possession of the United States, including the  
14 District of Columbia. Commerce includes travel,  
15 trade, transportation, and communication.

16 "Foreign Commerce" means commerce or  
17 travel between any part of the United States,  
18 including its territorial waters and any other  
19 country, including its -- foreign commerce means  
20 commerce or travel between any part of the United  
21 States, including its territorial waters and any  
22 other country including his territorial waters.  
23 Commerce includes travel, trade, transportation and  
24 communication.

25 Count Two: Attempt to Provide Material



1 Support to a Foreign Terrorist Organization in  
2 violation of 18 U.S.C. Section 2339B.

3 Count Two of the second superseding  
4 indictment charges that the defendant, Said Azzam  
5 Mohamad Rahim with violating Title 18 United States  
6 Code Section 2339B, which makes it a crime for  
7 anyone to attempt to knowingly provide material  
8 support or resources to a foreign terrorist  
9 organization, FTO.

10 The elements of providing material support  
11 to an FTO are:

12 First: That the defendant knowingly  
13 provided, or attempted to provide, material support  
14 or resources, including services or personnel, to  
15 the FTO Islamic State of Iraq or al-Sham (ISIS).

16 Second: That the defendant knew that ISIS  
17 was a designated terrorist organization or that ISIS  
18 had engaged or was engaging in terrorist activity or  
19 terrorism; and

20 Third: That this Court has jurisdiction  
21 over the crime charged.

22 For you to find the defendant guilty of  
23 attempting to provide material sport to an FTO, you  
24 must be convinced that the government has proved  
25 each of the following beyond a reasonable doubt:

1 First: That the defendant intended to  
2 provide material support or resources, including  
3 services of personnel, to ISIS; and

4 Second: That the defendant committed an  
5 act constituting a substantial step towards the  
6 commission of that crime which strongly corroborates  
7 the criminal intent of the defendant and amounts to  
8 more than mere preparation.

9 The same definitions of "material support  
10 or resources" and "foreign terrorist organization"  
11 apply.

12 Title 18 United States Code,  
13 Section 2339B(d)(1) provides that the Court has  
14 jurisdiction over the crime charged in Count Two if  
15 you find that any one of the following applies to  
16 the defendant:

17 One: That he is national of the United  
18 States or an alien lawfully admitted for permanent  
19 residence in the United States;

20 Two: The offense occurred in whole or in  
21 part within the United States; or

22 Three: That the offense occurred in or  
23 affecting interstate or foreign commerce.

24 The same definitions of "national of the  
25 United States" and "Interstate Commerce" and

1 "Foreign Commerce" apply.

2 The same instruction on the First  
3 Amendment given in Count One applies to Count Two as  
4 well.

5 Counts Three through Eight: False Statement to a  
6 Federal Agent

7 Title 18 United States, Section 1001 makes  
8 it a crime for anyone to knowingly and willfully  
9 make a false our fraudulent statement in any matter  
10 within the jurisdiction of the Executive,  
11 Legislative, or Judicial Branch of the United States  
12 Government.

13 For you to find the defendant guilty of  
14 this crime, you must be convinced that the  
15 government has proved each of the following beyond a  
16 reasonable doubt:

17 First: That the defendant made a false  
18 statement to the Federal Bureau of Investigation  
19 regarding a matter within its jurisdiction and  
20 involving international terrorism;

21 Second: That the defendant made the  
22 statement intentionally, knowing that it was false;

23 Third: That the statement was material;

24 Fourth: That the defendant made the false  
25 statement for the purpose of misleading the FBI; and

1 Fifth: That the matter involved  
2 international terrorism.

3 A statement is material if it has a  
4 natural tendency to influence or is capable of  
5 influencing a decision of the FBI. It is not  
6 necessary to show that the FBI was, in fact, misled.

7 Unanimity of Theory

8 You have been instructed that your  
9 verdict, whether it's guilty or not guilty, must be  
10 unanimous. The following instruction applies to the  
11 unanimity requirement as to Count One and Count Two.

12 Count One of the second superseding  
13 indictment accuses the defendant of committing the  
14 crime of conspiracy to provide material support to a  
15 foreign terrorist organization, namely ISIS, in  
16 three different ways:

17 The first is that the defendant conspired  
18 to provide material support or resources by trying  
19 to recruit for ISIS.

20 The second is that the defendant conspired  
21 to provide material resources or -- sorry. The  
22 second is that the defendant conspired to provide  
23 material support or resources by providing himself  
24 as personnel for ISIS.

25 The third is that the defendant conspired

1 to provide material support or resources by  
2 providing administrative services to ISIS in the  
3 form of operating and/or moderating the online chat  
4 room, the State of the Islamic Caliphate.

5 Count Two of the second superseding  
6 indictment accuses the defendant of committing the  
7 crime of attempting to provide material support to a  
8 foreign terrorist organization, namely ISIS, in  
9 three different ways:

10 The first is that the defendant attempted  
11 to provide material support or resources by trying  
12 to recruit for ISIS.

13 The second is that the defendant attempted  
14 to provide material support or resources by  
15 providing himself as personnel for ISIS.

16 The third is that the defendant attempted  
17 to provide material support or resources by  
18 providing administrative services to ISIS in the  
19 form of operating and/or moderating the online chat  
20 room, the State of the Islamic Caliphate.

21 The government does not have to prove all  
22 of these in order for you to return a guilty verdict  
23 on these charges. Proof beyond a reasonable doubt  
24 on one is enough. But in order to return a guilty  
25 verdict on Count One, you must all agree that the

1 same one has been proven. All of you must agree  
2 that the government proved beyond a reasonable doubt  
3 that the defendant conspired to provide material  
4 support or resources to ISIS, by trying to recruit  
5 for ISIS; or, all of you must agree that the  
6 government proved beyond a reasonable doubt that the  
7 defendant conspired to provide himself as personnel  
8 for ISIS; or, all of you must agree that the  
9 government proved beyond a reasonable doubt that the  
10 defendant conspired to provide administrative  
11 services to ISIS in the form of operating and/or  
12 moderating the online chat room, the State of the  
13 Islamic Caliphate.

14 The same applies for Count Two. In order  
15 to return a guilty verdict on Count 2, all of you  
16 must agree that the same one has been proved. All  
17 of you must agree that the government proved beyond  
18 a reasonable doubt that the defendant attempted to  
19 provide material support or resources to ISIS, by  
20 trying to recruit for ISIS; or, all of you must  
21 agree that the government proved beyond a reasonable  
22 doubt that the defendant attempted to provide  
23 himself as personnel for ISIS; or all of you must  
24 agree that the government proved beyond a reasonable  
25 doubt that the defendant attempted to provide

1 administrative services to ISIS in the form of  
2 operating and/or moderating the online chat room,  
3 the State of the Islamic Caliphate.

4           Additionally, Count 1 of the second  
5 superseding indictment accuses the defendant of  
6 committing the conspiracy to provide material  
7 support to a foreign terrorist organization, namely  
8 ISIS, knowing that ISIS was a designated terror  
9 organization, and that ISIS has engaged and engages  
10 in terroristic activity and terrorism.

11           Count Two of the second superseding  
12 indictment accuses the defendant of committing the  
13 crime of attempting to provide material support to a  
14 foreign terrorist organization, namely ISIS, knowing  
15 that ISIS was a designated terrorist organization or  
16 that ISIS has engaged or engages in terroristic  
17 activity and terrorism.

18           It is sufficient for the government to  
19 prove beyond a reasonable doubt either that the  
20 defendant had specific knowledge of ISIS, had  
21 specific knowledge that ISIS had been designated a  
22 foreign terrorist organization by the United States  
23 Government or that the defendant had specific  
24 knowledge that ISIS engaged or engages in terrorist  
25 activities. It is not necessary for you to find

1 both in order to return a verdict of guilty on these  
2 counts. However, you must -- to return a verdict of  
3 guilty these counts, you must be unanimous as to  
4 what you do find.

5 Instructions on Deliberation

6 To reach a verdict, whether it is guilty  
7 or not guilty, all of you must agree. Your verdict  
8 must be unanimous on each count of the second  
9 superseding indictment. Your deliberations will be  
10 secret. You will never have to explain your verdict  
11 to anyone.

12 It is your duty to consult with one  
13 another and to deliberate in an effort to reach  
14 agreement if you can do so. Each of you must decide  
15 the case for yourself, but only after an impartial  
16 consideration of the evidence with your fellow  
17 jurors. During your deliberations, do not hesitate  
18 to reexamine your own opinions and change your mind  
19 if you are convinced that you are wrong. But do not  
20 give up your honest beliefs as to the weight or  
21 effect of the evidence solely because of the opinion  
22 of your fellow jurors, or for the mere purpose of  
23 returning a verdict.

24 Remember, at all times, you are the  
25 judges, judges of the facts. It is your duty to



1 decide whether the government has proved the  
2 defendant guilty beyond a reasonable doubt.

3 When you go into the jury room, the first  
4 thing that you should do is select one of your  
5 number as your foreperson who will help guide you in  
6 your deliberations and will speak for you here in  
7 the courtroom.

8 A verdict form has been prepared for your  
9 convenience. It's right here, and it is attached to  
10 the end of these instructions. The foreperson will  
11 write the unanimous answer of the jury in the spaces  
12 provided, either guilty or not guilty. At the  
13 conclusion of the deliberations, the foreperson  
14 should date and sign the verdict.

15 If you need to communicate with me during  
16 your deliberations, the foreperson should write a  
17 message and give it the court security officer. I  
18 will either reply in writing or bring you back into  
19 the courtroom to answer your message. Bear in mind  
20 that you are never to reveal to any person, not even  
21 to the Court, how the jury stands, numerically or  
22 otherwise, on the second superseding indictment  
23 until after you have reached a unanimous verdict.

24 Okay. It's time for you to start  
25 deliberating, Folks.

1 I will just say a couple of things. You  
2 set your own schedule. You select your foreperson  
3 and tell us what your schedule is going to be for  
4 the rest of the day or whatever. You tell us 1:00  
5 to 1:30, you know, or 12:00 to 1:30, we're going to  
6 lunch or something like that, and we're going to  
7 work for the rest of the day. And here's our  
8 breaks, and this is what time we are leaving.

9 Remember on notes, it is very difficult  
10 to -- the notes are -- when you send a note out,  
11 it's important that it shows that there's a conflict  
12 by the jury over a certain issue that's material to  
13 the case. I can't just send you a transcript out,  
14 "Well, we want to hear the testimony of so-and-so."  
15 I can't do that without a dispute about a portion of  
16 the case that's material. You just have to hone it  
17 down as much as you can. Notes are not easy, we  
18 will answer them. But just remember, keep your  
19 notes to the disputes over the material things in  
20 the case.

21 All right, the jury verdict is yours. I'm  
22 giving it to you now. And if you will go back  
23 there, we will bring the evidence back there. Okay.

24 All rise. Good luck.

25 (Jury exits courtroom.)

1 THE COURT: Mr. Walls, wait right there.  
2 I'm sorry. Just take a seat. Please be seated.

3 All right. You are an alternate. And so  
4 what that means right now is that you -- we can only  
5 have 12 jurors in a criminal case, and we have 13  
6 because of the possibility of someone, you know,  
7 falling apart or something going down to 12 or 11,  
8 and at least we would have one in there.

9 So I'm telling you you are still on duty  
10 except that you are not with the rest of the jurors.  
11 So you can go about your business, just keep a phone  
12 number with Jenelle so we can call you and let you  
13 know if you need to come back for any reason. You  
14 still can't talk about the case, because it's not  
15 over yet. But if you -- we need to have you back  
16 here to start deliberations, say we lose somebody or  
17 something, that's possible, we could have that. And  
18 then we will also let you know when the case is  
19 over. So just keep in touch. Do you have any  
20 questions?

21 ALTERNATE: No.

22 THE COURT: All right. Thank you very  
23 much, Mr. Walls. All right.

24 THE COURT SECURITY OFFICER: All rise.

25 THE COURT: I would like to have all the

1 exhibits together. Make sure you have looked  
2 through all of them and that they are going back  
3 there after you have looked at all of them.

4 (Pause in the Proceedings.)

5 THE COURT: We have the young person whose  
6 car was towed this morning as the foreperson, and  
7 they will break until 1:15.

8 (Pause in the Proceedings.)

9 MR. WHALEN: Judge, it's all in.

10 THE COURT: You've looked at all of it?  
11 Are you sure about that?

12 MR. WHALEN: I am sure about that.

13 THE COURT: Ms. Martin and Ms. Meeks, have  
14 you looked as well?

15 MS. MARTIN: Yes, Your Honor.

16 THE COURT: That's all going back.

17 PARALEGAL: All the transcript binders and  
18 the laptop.

19 THE COURT: So separate transcript  
20 binders. All right.

21 PARALEGAL: If you would like to send back  
22 only one or a couple, we can do that.

23 THE COURT: No, it's all right. We will  
24 send them all back.

25 All the transcripts came in?

1 MS. MARTIN: Yes.

2 THE COURT: And I would love for the  
3 government to pick up your notebooks. So. . .

4 (Pause in the proceedings.)

5 THE COURT: Is the computer not working?

6 MR. WHALEN: It's working. The background  
7 says, "Project Save Childhood."

8 THE COURT: Do you have another one?

9 MS. MARTIN: Your Honor, may I step out  
10 and try to find another one?

11 THE COURT: Yeah, yeah. Why don't you  
12 just try to find another one. And we can send it  
13 back without the computer. And we will get them a  
14 computer as soon as we can.

15 In the meantime, Mr. Whalen, for the  
16 record, you've looked at everything

17 MR. WHALEN: Yes, Your Honor. I have  
18 reviewed the admitted list and what's in the carts,  
19 and they do match.

20 THE COURT: Okay. So you are okay with  
21 what's going back there.

22 MR. WHALEN: Yes, Your Honor.

23 THE COURT: And Ms. Martin, the same with  
24 you.

25 MS. MARTIN: Yes, Your Honor.

1 THE COURT: Ms. Meeks.

2 MS. MEEKS: Yes, Your Honor.

3 THE COURT: All right. All right. Okay.

4 When we get the computer, please let me know and we  
5 will come out here and do the same thing.

6 MR. WHALEN: Thank you, Your Honor.

7 THE COURT: Be in recess.

8 (Recess taken.)

9 THE COURT: We have the tape recorder,  
10 don't we?

11 THE CLERK: Laptop.

12 THE COURT: Why don't you look at it. I  
13 want you to look at it first.

14 Mr. Whalen, I want you to look at it.

15 MR. WHALEN: Your Honor, I have looked at  
16 it, and I have looked at the file folders and  
17 anything that may have relevant information. And  
18 there's no information, so I am satisfied it's  
19 clean.

20 THE COURT: Ms. Martin, have you looked at  
21 it?

22 MS. MARTIN: Yes, I was up here earlier.  
23 I think the IT wanted to test the DVD.

24 THE CLERK: He acted like it was ready to  
25 go when he checked with me.

1 He is on his way up.

2 (Pause in the proceedings.)

3 THE COURT: David, you tell us if this  
4 recorder is ready to go back there.

5 IT CLERK: It can go back there, but I  
6 would like to check the DVD and see if it plays okay  
7 so the jury doesn't have a problem with it.

8 THE COURT: Do you have a DVD?

9 IT CLERK: I will normally check with one  
10 of the DVDs that they are providing, but my  
11 understanding is they are back there.

12 THE COURT: So we think we can send it  
13 back, and then -- unless they have anything, and  
14 then we will come and get you?

15 IT CLERK: Yeah, we can do it that way.  
16 Normally I would check before I put it back there.

17 THE COURT: I think we are okay.

18 IT CLERK: Okay.

19 THE COURT: All right. Let's send it  
20 back.

21 MR. WHALEN: I would also put on the  
22 record, too, the WiFi has been turned off so they  
23 won't have internet access.

24 IT CLERK: They can't even turn it on even  
25 if they tried.

1 THE COURT: Okay. Go ahead.

2 MR. WHALEN: Nothing else, Your Honor.

3 THE COURT: All right. We will keep you  
4 posted.

5 (Recess taken from 2:13 to 4:07.)

6 THE COURT: This is a note. It's not much  
7 of a note. It's attempting to watch Exhibit 64,  
8 airport surveillance. "Is there any way we can hook  
9 up external speakers to laptop to make it easier to  
10 --" something "to hear." Foreperson, 5/3/19, and we  
11 are going to send the speakers back there. I'm not  
12 going to respond to it, just send the speakers back  
13 there.

14 MS. MARTIN: No objection.

15 THE COURT: All right. Thank you. Go  
16 ahead.

17 MR. WHALEN: That's fine Your Honor.

18 (Recess taken from 4:08 to 5:06.)

19 THE COURT: Let's bring them in.

20 (Jury enters courtroom.)

21 THE COURT: Ms. Petty, if you will be  
22 stand, please. You are the foreperson of the jury.  
23 Is that correct?

24 FOREPERSON: Yes, ma'am.

25 THE COURT: Did you reach a verdict?



1 FOREPERSON: Yes, ma'am.

2 THE COURT: If you will hand it to  
3 Mr. Travis, please.

4 Thank you very much. You may be seated.

5 Okay. When I announce the verdicts, I  
6 will just take a poll and make sure that that is the  
7 verdict of each and every one of you.

8 As to Count One: We, the jury, find the  
9 defendant guilty of the offense charged in Count  
10 One.

11 If that is your verdict each and every one  
12 of you, raise your right hands. That is a unanimous  
13 show of hands.

14 As to Count Two as an offense -- guilty of  
15 the offense charged in Count Two of the second  
16 superseding indictment. If that is your verdict  
17 each and every one of you, please raise your right  
18 hands.

19 Okay. Then as to Count Three. Guilty of  
20 the offense charged in Count Three of the second  
21 superseding indictment. If that is your verdict  
22 each and every one of you, raise your right hands.

23 Unanimous show of hands on all.

24 And then guilty of the offense charged in  
25 Count Four of the second superseding indictment. If

1 that is your verdict each and every one of you,  
2 please raise your right hands.

3 Unanimous show of hands.

4 And then as to Count Five. Guilty of the  
5 offense charged in Count 5. If that is your verdict  
6 each and every one of you, raise your right hands.

7 Unanimous show of hands.

8 Count Six. Guilty of the offense charged  
9 in Count Six of the second superseding indictment.  
10 If that is your verdict each and every one of you,  
11 please raise your right hands.

12 All right. Unanimous show of hands.

13 And then Count 7. Guilty of the offense  
14 charged in Count 7 of the second superseding  
15 indictment. If that is your verdict each and every  
16 one of you, raise your right hands, please.

17 Unanimous show of hands.

18 Guilty of the offense charged in Count  
19 Eight of the second superseding indictment. If that  
20 is your verdict, each and every one of you please  
21 raise your right hands.

22 Thank you very much.

23 Ladies and Gentlemen, I don't know how to  
24 thank you for this. It was shorter than we thought.  
25 We thought it would be two weeks; thank goodness it

1 wasn't. It was a lot of stuff. I mean you-all had  
2 a lot of information given to you. And the lawyers  
3 did a good job, but you really, really, focused on  
4 everything. I appreciate it so much. I think your  
5 verdict is supported by the evidence. I really do.

6           You are free to go. I will tell you the  
7 lawyers can't talk to you by Local Rule. You can  
8 talk to them. I would advise -- it's up to you,  
9 it's up to you totally, but I would advise you not  
10 to. Because, you know, your deliberations are  
11 secret and sacred. Nobody knows what went on in  
12 that room except you, and you should keep it that  
13 way. Because if you talk to a lawyer from either  
14 side, either the defense or the government, you will  
15 tend to start -- you might tend to start talking  
16 about what happened in there, because that's the  
17 only thing you have in common. And I think that's  
18 very dangerous, because I have had many a case where  
19 we have ended back down here with all of the jurors  
20 in a hearing posttrial and all sorts of things go  
21 on. So I would advise you not to. But besides  
22 that, I will tell you on behalf of all the lawyers,  
23 everyone appreciates your service and you are all  
24 free to go. Thank you very much

25           (Jury exits courtroom.)

1 THE COURT: Is there anything else before  
2 we adjourn, Mr. Whalen?

3 MR. WHALEN: No, Your Honor.

4 THE COURT: You did a great job.

5 Ms. Martin and Ms. Meeks, you did a great  
6 job, too.

7 THE COURT: Anything else?

8 MR. WHALEN: No, Your Honor.

9 THE COURT: All right. We are in recess.

10 (Court in recess at 5:12 p.m.)  
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C E R T I F I C A T E

I, Shawnie Archuleta, CCR/CRR, certify  
that the foregoing is a transcript from the record  
of the proceedings in the foregoing entitled matter.

I further certify that the transcript fees  
format comply with those prescribed by the Court and  
the Judicial Conference of the United States.

This 21st day of March 2020.

s/Shawnie Archuleta  
Shawnie Archuleta CCR No. 7533  
Official Court Reporter  
The Northern District of Texas  
Dallas Division

My CSR license expires: December 31, 2020

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